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Social

JOURNAL OF SOCIAL SCIENCE,

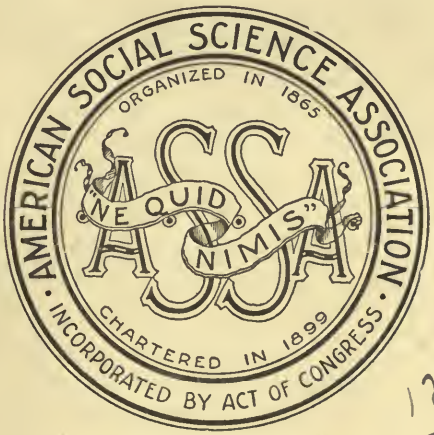
CONTAINING THE

PROCEEDINGS OF THE AMERICAN ASSOCIATION.

NUMBER XXXIX. NOVEMBER, 1901.

WASHINGTON PAPERS OF 1901.

PAPERS READ IN THE DEPARTMENTS OF EDUCATION, HEALTH, JURISPRUDENCE, FINANCE, AND SOCIAL ECONOMY, WITH STENOGRAPHIC NOTES OF DEBATES.



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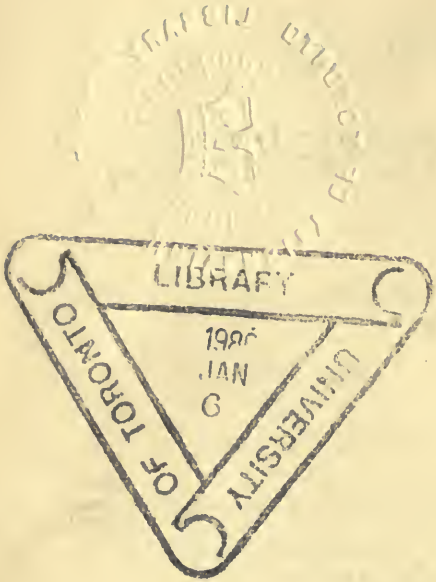

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EDITED BY

FREDERICK STANLEY ROOT, M.A.

GENERAL SECRETARY OF THE ASSOCIATION, 129 EAST 15TH STREET, NEW YORK CITY.

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INTRODUCTION.

The papers included in this number of the *Journal of Social Science* comprise a majority of the Washington addresses of 1901. The debates, which followed the reading of papers, are stenographically reported; but, owing to the large amount of matter thus supplied to the editor, a considerable reduction in quantity was nccessitated by the space limitations of the present volume. This stenographic matter has been revised either by the editor or by the contributor to the discussion, and fairly represents, in substance, the opinions of the participants in the debate.

It may be well in this place to remind essayists once more of the *invariable rule* of the Association, that all papers engaged for the General Meeting are so secured with the understanding that they may be published in the *Journal* if deemed advisable. The members of the Council, however, are not pledged in advance to the publication of any particular paper. If writers choose to publish elsewhere, it must be with the stipulation that their papers may also be printed in the *Journal*, at the option of the Council as to date of publication. Heads of Departments are not solicitous to secure essays which, in general form and substance, have been read elsewhere before presentation at Washington.

A list of all addresses and papers will be found in the Table of Contents on page iii.

MEMBERS OF THE ASSOCIATION.

All officers are *ex-officio* members of the Association, but persons serving on the Department Committees may or may not be members of the Association.

In the list herewith submitted the annual and life members are given alphabetically, and the honorary and corresponding members according to nationality. The only distinction between honorary and corresponding members is that the former reside in the United States, and the latter in foreign countries. It was voted at a meeting of the General Council that the *Journal* of the Association shall not be sent to any member who has not paid his dues for the year in which the convention is held which is reported in the *Journal*. It was subsequently voted at a meeting held at Woodmont, Conn., July 6, 1898, that the General Secretary be permitted to use his discretion in carrying into effect this resolution.

BUSINESS OF 1901.

The American Social Science Association held its Thirty-ninth Annual Meeting at Washington, D.C., beginning Monday evening, April 15, and closing with the session of Friday evening, April 19. The proceedings of the Convention were conducted in the large hall of Columbian University, which was kindly placed at our disposal by the faculty of the institution. Owing to the death of President Charles Dudley Warner while in office, the First Vice-President, Hon. Frederick J. Kingsbury, took the chair at the opening session of the Convention. Professor William M. Sloane, LL.D., of Columbia University, then delivered a memorial address upon the "Life and Public Services" of the late President of the Association, Charles Dudley Warner,— a sympathetic interpretation of character and achievements which elicited marked approval.

At the conclusion of this address a General Meeting of the Association was held. A Nominating Committee was appointed by the acting President to bring in a list of officers for the ensuing year. This committee consisted of Hon. Francis Wayland, LL.D., Hon. Carroll D. Wright, LL.D., and Hon. St. Clair McKelway, LL.D. At a subsequent meeting of the Association the list of officers as reported was adopted, and the names will be found on a succeeding page of the *Journal*. It was also moved and carried that the amendments to the Constitution proposed by vote of the General Council at a former meeting be incorporated with the body of that document. These amendments are as follows: —

Article III. To strike out the word "*honorary*" immediately before "Vice-Presidents."

Article III. After the word "Secretary" in clause beginning "The Council shall consist of President, Treasurer, Secretary," insert "First and Second Vice-Presidents."

Article IV. In place of clause reading, "Any person, upon nomination by Council," etc., to be inserted, "Elections to membership shall be made by a standing committee appointed by the

Council, in such manner as Council shall provide." Other subordinate provisions of Article IV. to remain as they are.

[These amendments will be found, as recorded, in the body of the Constitution.]

One other general business session of the Association was held on Friday morning, April 19, at which the Nominating Committee made its report, and the Secretary was instructed to cast a ballot for the nominees. Mr. F. B. Sanborn proposed Prince Kropotkin as honorary and corresponding member of the Association. Referred to the next meeting of the General Council. The following resolution was unanimously adopted: "*Resolved*, That the thanks of the Association be tendered the authorities of Columbian University for the use of the hall of the University and for all other courtesies extended to the Association."

In addition to the other general business transacted, a regular meeting of the General Council of the Association was held in the parlor of the Hotel Gordon on Wednesday afternoon, April 17, at three o'clock.

The minutes of the previous meeting were read and approved. The Treasurer was requested to invest $500 of the funds of the Association with some good trust company or bank at his discretion. The report of the Treasurer was received and ordered on file.

The invitation extended to the Association by the Hon. D. S. Rose, mayor of Milwaukee, to meet in that city was read by the Secretary. The Secretary was instructed to express to that official the thanks of the Association and its sense of obligation, and further to say that the arrangements already made for the meeting of 1902 precluded the acceptance of the invitation.

Colonel D. B. Dyer, of Augusta, Ga., was proposed and accepted as a member of the Association.

Voted, That the next meeting of the Association be held at Washington, as near the middle of April as possible, and that the sessions of the Association begin at 10 o'clock A.M.

Voted, That a local committee be appointed in the city of Washington to co-operate with the officers of the Association in making arrangements for the next annual meeting. Professor George L. Raymond was named as chairman of that committee, with power to add to the members. It was suggested that Hon. Carroll D. Wright and Dr. Sewall follow upon this committee in the order named.

Voted, That the sessions of the Association on Friday begin at 10 o'clock

A.M. and close at 2 P.M. By general agreement, but without formal action, the finance section of the Association was eliminated from future programmes.

Voted, That the salary of the General Secretary be fixed at the sum of $600 per annum.

Voted, That delinquent members of the Association, as under previous rulings, be given thirty days' notice of arrears; and if, at the expiration of this period, such obligations are not met, the name of the delinquent shall be erased from the rôle of membership.

The Council then adjourned without date.

FREDERICK STANLEY ROOT,
General Secretary.

CONSTITUTION, BY-LAWS,

LIST OF OFFICERS, MEMBERS, ETC.

OF THE

American Social Science Association

NOVEMBER, 1901.

CONSTITUTION.

I. This society shall be called the AMERICAN SOCIAL SCIENCE ASSOCIATION.

II. Its objects shall be classified in five departments: the first, of Education and Art; the second, of Health; the third, of Trade and Finance; the fourth, of Social Economy; the fifth, of Jurisprudence.

III. It shall be administered by a President, as many Vice-Presidents as may be chosen, a Treasurer, a Secretary, and a Council, charged with general supervision; five Department Committees, established by the Council, charged with the supervision of their respective departments; and such Local Committees as may be established by the Council at different points, to serve as branch associations. *The Council shall consist of President, Treasurer, Secretary, First and Second Vice-Presidents, the Chairman and Secretary of each Department, and ten Directors, with power to fill vacancies and to make their own By-laws.* The President, Vice-Presidents, Treasurer, Chairman, and Secretaries of Departments, and Directors shall be chosen annually by members of the Association, and shall hold office till their successors are chosen. The President, or in his absence a Director, shall be chairman of the Council. The Chairmen of the Local Committees shall be chosen at the pleasure of their respective committees. Whenever a Branch Association shall be organized and recognized as such by the Council, its President shall be *ex officio* one of the Vice-Presidents of the American Association, and, together with the Secretary and Treasurer, shall be entitled to all the privileges of membership in that Association. And, whenever a Local Department shall be organized and recognized as such by the Council, its Chairman shall become *ex officio* a member of the parent Association. The Chairman and Secretary of each Department, with the consent of the President of the Association, may appoint such special Department Committees as they may think best. The General Secretary shall be elected for three years, unless he resigns, or is removed by a two-thirds vote of the members present and voting in a regular meeting of the Council; and out of his compensation he may pay the salary of an Assistant Secretary, who may also be Secretary of one Department.

IV. Elections to membership shall be made by Standing Committee appointed by the Council in such manner as Council may provide. Any person so elected, and on payment of annual membership fee of five dollars, may continue a member by paying annually such further sum as may be fixed at the Annual Meeting of the Association, not exceeding ten dollars. On payment of one hundred dollars any person may become a life member, exempt from assessments. Honorary and corresponding members may be elected and exempted from the payment of assessments.

V. The Council shall have sole power to call and conduct General Meetings, and to publish the Transactions and other documents of the Association. The Department Committee shall have power to call and conduct Department Meetings.

VI. No amendment of this Constitution shall be made, except at an annual meeting, with public notice of the proposed amendment.

BY-LAWS OF THE ASSOCIATION.

[NOTE.— At a meeting of the Council of the Association, held May 9, 1900, at Washington, a committee of three was appointed to revise Constitution and formulate By-laws to be considered and adopted by the Council at the earliest opportunity. That committee consisted of the Hon. S. E. Baldwin, the Hon. Francis Wayland, and the General Secretary.

At a subsequent meeting of the Council of the Association, held in New Haven, Conn., Oct. 12, 1900, this committee reported the following By-laws, which were *unanimously* adopted by the Council. Since the Constitution confers upon the Council power to enact its own By-laws, no further action by the Association is necessary.]

ARTICLE I.

ORDER OF BUSINESS.

The following order of business shall be observed at all meetings of the General Council of the Association: —

(*a*) Reading of minutes.
(*b*) Report of treasurer.
(*c*) Report of General Secretary.
(*d*) Report of committees.
(*e*) Unfinished business.
(*f*) New business.

ARTICLE II.

QUORUM.

The quorum of the Council at all regular and special meetings shall consist of five members, of whom three shall be of the *ex-officio* members of the Council.

ARTICLE III.

VACANCIES.

SECTION 1. A committee shall be appointed on the first day of the general session of the Association to nominate officers, and such committee shall report upon the morning of the last day of the general session.

SECT. 2. The President may fill any vacancy occurring during the year in any office.

ARTICLE IV.

AMENDMENTS.

The By-laws of the Association may be altered, amended, or repealed by the Council at any meeting by a two-thirds vote of the members present.

ARTICLE V.

TREASURER.

SECTION 1. It shall be the duty of the Treasurer to forward bills for annual dues on the first day of January of each successive year, and to meet all bills for printing, publishing, salaries, etc., on presentation of vouchers approved by President or First Vice-President, and the General Secretary.

SECT. 2. No funds shall be set apart for permanent investment without vote of Council; and all funds so set apart may be invested by the Treasurer at his discretion.

SECT. 3. The President or First Vice-President may draw on the Treasurer in favor of the General Secretary at any time for such sums, not exceeding one hundred dollars at any one time, as the President or First Vice-President may deem necessary to meet any proper expenses incident to the management of the Association or the proceedings of the Committee on Elections to Membership.

ARTICLE VI.

PRINTING.

SECTION 1. The selection of papers for publication in the *Journal* shall be left with the President and General Secretary, the latter serving also as editor of the *Journal*, and with the Heads of Departments. The Chairman of each Department will indicate to the General Secretary what papers, in his judgment, are available for publication in the report of proceedings.

SECT. 2. It shall be the duty of the General Secretary to print and distribute such information concerning the objects and purposes of the Association as may be useful in securing new members.

SECT. 3. It shall be the duty of the General Secretary to publish and distribute a cloth-bound copy of the annual *Journal* of the Association to each member in accordance with provisions under article referring to *Memberships*. Each essayist will be entitled to 25 reprints of his paper at the expense of the Association, on condition that his application is placed on file prior to the printing of his paper.

SECT. 4. If, in the judgment of the Treasurer and General Secretary, the funds of the Association will not justify publication in cloth, the current edition of the *Journal* shall appear in paper. The uniform date of publication shall be within six months of the Annual Meeting of the Association. Distribution of the *Journal* shall be effected as soon thereafter as possible.

ARTICLE VII.

MEMBERSHIPS.

SECTION 1. Elections to membership shall be made in accordance with provisions contained in Article IV. of the Constitution.

SECT. 2. After initial payment of assessment fee, all members in arrearages for the next following fiscal year of the Association shall not be entitled to the

Journal. Failure to remit annual dues for two consecutive years shall result in loss of membership in the Association. The General Secretary, however, may exercise his discretion as to the application of this rule in given cases.

ARTICLE VIII.

SALARIES.

The General Secretary shall be paid the amount of his salary in quarterly instalments upon the first days of October, January, April, and July, respectively; and he shall draw upon the Treasurer at his discretion such sums as may be allotted by vote of Council for clerical assistance.

OFFICERS OF THE ASSOCIATION.

1901-1902.

President, Hon. OSCAR S. STRAUS, LL.D., New York City.

First Vice-President, FREDERICK J. KINGSBURY, LL.D., Waterbury, Conn.

Second Vice-President, Hon. SIMEON E. BALDWIN, New Haven, Conn.

Vice-Presidents.

Hon. FRANCIS WAYLAND, LL.D., New Haven, Conn.
Prest. DANIEL C. GILMAN, LL.D., Baltimore, Md.
Hon. WILLIAM T. HARRIS, LL.D., Washington, D.C.
Hon. FRANK B. SANBORN, Concord, Mass.
Hon. CARROLL D. WRIGHT, LL.D., Washington, D.C.
Prest. J. B. ANGELL, LL.D., Ann Arbor, Mich.
Hon. A. D. WHITE, LL.D., Berlin, Germany.
Hon. JOHN EATON, Washington, D.C.
Hon. JOHN W. FOSTER, LL.D., Washington, D.C.
LUCY HALL-BROWNE, M.D., Brooklyn, N.Y.
Mrs. CAROLINE H. DALL, Washington, D.C.
GRACE PECKHAM MURRAY, M.D., New York.
H. HOLBROOK CURTIS, M.D., New York.
Rev. F. G. PEABODY, D.D., Cambridge, Mass.
Prof. GEORGE L. RAYMOND, L.H.D., Princeton, N.J.
Mrs. VIRGINIA B. MCKELWAY, Brooklyn, N.Y.
C. A. WOODS, Marion, S.C.

General Secretary, FREDERICK STANLEY ROOT, M.A., 129 E. 15th St., New York.

Treasurer, W. C. LEGENDRE, 59 Wall St., New York.

Directors.

Col. JACOB L. GREENE, Hartford, Conn.
W. A. GILES, Chicago, Ill.
EDWARD T. POTTER, Newport, R.I.
EUGENE SMITH, New York.
Hon. CHARLES BULKLEY HUBBELL, N.Y. City.
BOOKER T. WASHINGTON, Tuskegee, Ala.
SEYMOUR DEXTER, Elmira, N.Y.
E. H. AVERY, Auburn, N.Y.
ST. CLAIR MCKELWAY, LL.D., Brooklyn, N.Y.
W. M. F. ROUND, Norfolk, Mass.

Department Officers.

I. *Education and Art.*—Rev. JOSEPH ANDERSON, D.D., Waterbury, Conn., *Chairman*; S. T. DUTTON, New York City, *Secretary*.

II. *Health.*—Surgeon-General GEORGE M. STERNBERG, U.S. Army, Washington, D.C., *Chairman*; Prof. GEORGE M. KOBER, M.D., Washington, D.C., *Secretary*.

III. *Social Economy.*—JOHN GRAHAM BROOKS, Cambridge, Mass., *Chairman*; Prof. W. F. WILLOUGHBY, Washington, D.C., *Secretary*.

IV. *Jurisprudence.*—Prof. FRANCIS WAYLAND, LL.D., New Haven, Conn., *Chairman*; Prof. ISAAC F. RUSSELL, New York City, *Secretary*.

LIFE MEMBERS.

Extract from Constitution: "On payment of one hundred dollars, any person may become a Life Member, exempt from assessments."

Angell, Mr. George T., 19 Milk St., Boston, Mass.
Baldwin, Hon. S. E., LL.D., New Haven, Conn.
Barnard, Mr. James M., 140 Beacon St., Boston, Mass.
Barnard, Mrs. James M., 140 Beacon St., Boston, Mass.
Blatchford, Mr. J. S., Boston, Mass.
Bradford, Mr. Gamaliel, 502 Beacon St., Boston, Mass.
*Cole, Mr. W. A., New York City.
*Dike, Mr. Henry M., New York City.
Dodge, Mr. Charles C., 33 Broadway, New York City.
Dodge, William E., Jr., 99 John St., New York City.
Eliot, Mrs. Samuel, Boston, Mass.
Endicott, William, Jr., Boston, Mass.
*Farwell, Mrs. A. G., Boston, Mass.
Hermann, Mrs. H., 59 W. 56th St., New York City.
Hewitt, Hon. Abram S., 9 Lexington Ave., New York City.
Hoyt, Hon. J. W., The "Victoria," Washington, D.C.
James, Hon. D. Willis, 45 Wall St., New York City.
*Lawson, Rev. Albert G., Camden, N.J.
Letchworth, Mr. W. P., Portageville, N.Y.
Libbey, Mr. Jonas M., New York City.
Patterson, W. H., 275 Fifth Ave., New York City.
Sanborn, Hon. Frank B., Concord, Mass.
Sanborn, Mrs. Louisa L., Concord, Mass.
Smith, Prof. Goldwin, LL.D., Toronto Canada.
Stokes, Mr. Anson Phelps, 45 Cedar St., New York City.
Stokes, Mr. I. N. Phelps, 47 Cedar St., New York City.
Stokes, Mr. Thomas, 47 Cedar St., New York City.
Straus, Hon. Oscar S., 42 Warren St., New York City
Villard, Mrs. Henry, 145 W. 38th St., New York City.
Ward, Mr. J. Q. A., 119 W. 52d St., New York City.
Ware, Mr. William R., 130 E. 27th St., New York City.
Wayland, Prof. Francis, LL.D., New Haven, Conn.
White, Hon. Andrew Dickson, LL.D., Berlin, Germany.
Wolcott, Miss Ella L., Elmira, N.Y.
Young, Mr. J. Edward, 130 William St., New York City.

[Names marked with [*] cannot be found by post-office officials.]

HONORARY AND CORRESPONDING MEMBERS.

In America.

Prof. J. Irving Manatt, Providence, R.I.
Major-gen. O. O. Howard, 150 Nassau St., New York City.
Edmund A. Meredith, Esq., care The Toronto Income Trust Co., Yonge St., Toronto, Can.
Hon. Domingo F. Sarmiento, Buenos Ayres.
Lewis A. Sayre, M.D., 795 Broadway, New York.

In Great Britain and Ireland.

Sir Walter Crofton, The Close, Winchester.
Lord Radstock, London.
*Miss Frances Power Cobbe, 24 Cheyne Walk, London, S.W.
Henry Dunning McLeod, Esq., Oxford and Cambridge Club, London.
Alfred Field, Esq., Birmingham.
Thomas H. Barker, Esq., Manchester.
Henry W. Ackland, M.D., F.R.S., Oxford.
Miss Louisa Innes Lundsden, Glenbogie, Rhynie, Scotland.
Herbert Spencer, Esq., London.
Miss J. Francis Dove, St. Andrews, Scotland.
Lord Hobhouse, 15 Bruton Street, London.
Prof. James Bryce, M.P., London.
Geoffrey Drage, Esq., London.
Moncure D. Conway, Esq., London.

In France.

M. August Laugel, 12 Rue de la d'Anjou, Paris.
M. Émile Cacheux, 25 Quai St., Michel, Paris.
*M. Émile Trelat, Paris.
M. F. Buisson, Bd. Montparnasse, Paris.
M. Émil Levasseur, 24 Rue Monsieur le Prince, Paris.
M. Arthur Raffalovich, 19 Avenue Hoche, Paris.
M. Pierre Claudio Jannet, 22 Rue Oudinot, Paris.

In Italy.

Signor Martino Beltrani-Scalia, Rome.
Prof. C. F. Gabba, Pisa.
*Prof. Alberto de Errea, Cavaliere della Corna d' Italia, Venice.

In Belgium.

*M. P. Buls, Brussels.
M. Van de Rest, Brussels.

[The names on this list marked with a [*] are those of persons who cannot be found by post-office officials.]

LIST OF ANNUAL MEMBERS, 1901.

[NOTE.— With reference to this enrollment some explanations are essential, and they are as follows:—

The "National Institute of Arts and Letters," organized under the auspices of the American Social Science Association, but now an independent body, still retains a certain connection with the Association in the form of Associate Memberships. The following clauses from vote passed at the Saratoga meeting of the Association define the existing status:—

Voted. That the members of the Institute be *ipso facto* associate members of the Association in return for the courtesy of the Institute in making members of the Association associate members of the Institute.

In the list subjoined, such associate members are marked with a *star*. In the matter of academic titles, such only are given as are known. Members are earnestly solicited to communicate with the editor at once respecting academic titles, and also to correct any errors which may be found upon the roll. All resignations should also be promptly reported to the permanent address of the General Secretary, 129 E. 15th St., New York City.]

*Abbey, Edwin A., Fairford, England.
Abbott, Samuel W., M.D., 142 State St., Boston, Mass.
Abrahams, A., 800 St. Marks Ave., Brooklyn.
Adams, B., 23 Court St., Boston.
*Adams, Henry, Washington, D.C.
*Adams, Herbert, LL.D., Johns Hopkins University, Baltimore, Md.
Adams, John L., 24 E. 46th St., New York.
Adams, Oscar Fay, 41 Marlboro St., Boston.
Addam, Miss Jane, Hull House, Chicago.
Ade, George, the *Record*, Chicago.
Agar, John E., 31 Nassau St., New York.
Aiken, W. M., St. James Building, Broadway, New York City.
*Alden, Henry M., care of Harper & Brothers, New York.
Alderson, Victor C., M.D, Armour Inst. of Tech., Chicago.
Aldrich. Charles F., Home Insurance Building, Chicago.
Aldrich, Nelson W., Providence, R.I.
*Aldrich, Thomas Bailey, Boston, Mass.
Aldridge, George W., Rochester, N.Y.
Alexander, E. P., Augusta, Ga.
*Alexander, John W., 120 Broadway, New York City.
*Allen, James Lane, 66 5th Ave., New York.
Allen, S. H., 501 Jackson St., Topeka, Kan.
Allen, Thomas, 12 Commonwealth Ave., Boston.
Allen, Timothy Field, M.D., 3 E. 48th St., New York.
Allen, Miss Viola, 27 W. 93d St., New York City.
Allen, William A., Madison, Neb.
Allison, Hon. W. B., 1124 N St., Washington, D.C.
Alvord, Henry E., Lewinsville, Fairfax County, Va.
Ames, Gen. Adelbert, Lowell, Mass.
Ames, James Barr, Cambridge, Mass.
Amory, Robert, M.D., 279 Beacon St., Boston,
Anderson, E. Ellery, 27 William St., New York.
Anderson, Rev. Joseph, D.D., Waterbury, Conn.
Anderson, Warren E., Pensacola, Fla.
Anderson, Winslow, M.D., 1220 Sutton St., San Francisco.
Andrews, Charles, Syracuse, N.Y.
Andrews, Hon. Charles B, LL.D., Litchfield, Conn.

Angell, Henry C., 16 Beacon St., Boston, Mass.
Anthony, Prof. Wm. A., Cooper Union, New York.
Archer, Frederick, Carnegie Institute, Pittsburg, Pa.
Ashley, Prof. Clarence D., LL.D., N.Y. Un. Law School, New York.
Ashley, George Hall, 15 W. 22d St., Indianapolis, Ind.
Ashmead, William H., 1821 Q St., N.W., Washington, D.C.
Ashmore, George C., M.D., 794 Republic St., Cleveland, Ohio.
Atwood, Charles E., M.D., "Bloomingdale," White Plains, N.Y.
Atwood, J. M., 159 Meigs St., Rochester, N.Y.
Audsley, G. A., Bowling Green Office, 11 Broadway, New York.
Austen, Peter T., 218 St. Johns Pl., Brooklyn.
Avery, A. C., Morganton, N.C.
Avery, Edward H., Auburn, N.Y.
Ayer, Benjamin F., 99 Pine St., Chicago.
Ayers, Howard, University of Cincinnati, Cincinnati, Ohio.
Bacon, Edwin M., 6 Beacon St., Boston.
Bacon, Henry, 12 bis Rue Vineuse, Paris, France.
Bacon, Robert, 33 Wall St., New York City.
Baker, David S., Wickford, R.I.
Baker, Prof. George S., 190 Brattle St., Cambridge.
Baker, Hon. John H., Indianapolis, Ind.
Bakewell, Prof. Charles Montague, Bryn Mawr, Pa.
Baldwin, Prof. J. Mark, Princeton, N.J.
*Baldwin, Hon. S. E., LL.D., New Haven, Conn.
Baldwin, William H., Jr., 32 Nassau St., New York City.
Ball, Thomas, 29 S. Mountain Ave., Montclair, N.J.
Band, A., Washington, D.C.
Bangs, John Kendrick, Yonkers, N.Y.
Barber, Walter L., M.D., Waterbury, Conn.
Barclay, Shepard, 705 Olive St., St. Louis, Mo.
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THE LIFE AND PUBLIC SERVICES OF THE LATE PRESIDENT OF THE ASSOCIATION, CHARLES DUDLEY WARNER.

A MEMORIAL ADDRESS BY PROFESSOR WILLIAM M. SLOANE, LL.D., OF NEW YORK.

Many still feel, as did Pericles long ago, that the highest honor which can be paid to the dead is in the public assembling of their friends. But, like the famous Greek again, the chosen speaker of such a gathering is sure to tremble lest another's reputation should depend too much on his own meagre gift of expression. To exaggerate and flatter scarcely more imperils the good name of those who have vanished than does the moderation of statement intended to convey sober truth. This is because the listener measures the qualities of another by his own; and, though disgust arises from a superfluity of rhetoric, a studied temperance of language leaves an impression less in proportion and dimension than is justly due to him who has passed over to the majority.

But, as regards the friend in whose honor we are met, the danger which lurks in strong statement is not imminent. Each of us knew him, and knew him well. Such as he stood here, and in like places, he was exactly what he showed himself to be. There were no reserves in his nature, for everywhere and at all times he was himself. Body, spirit, and brain were so closely interdependent that he played all his rôles together and at once. The highest type for which progress aims is that of complexity in simplicity. No man had wider activities, no man deployed them more easily and simply. Therefore, in this hour there is no place for jealousy and incredulity. The danger is, rather, on the other side; for, alas! we are prone to estimate men as they esteem themselves, and Warner was so modest that, while the unwary failed to see in him the chief and choice man he was, even the keenest were apt to feel that, after all, he best knew his own limitations. It was a serious fault that, against his manifest distinction as a leader, he did protest too much. He stood in awe of his own responsibility.

Not that he necessarily led you or other men by way of con-

scious control. Such a thing would have been abhorrent; for he was not sufficiently sure of how the everlasting principles of holiness applied in any concrete case to reach a prophetic formula and impose his conclusions upon any, even the weakest. Certitude and impatience mark the unregenerate Puritan, not those who are regenerate by experience. Yet he felt that such light as was in him must not be hidden. With it he examined every cranny of the questions demanding immediate answer. A decision once reached, it was announced; and his suggestion was thrown into the common stock of answers, with the feeling that truth, if true, will prevail, and that his effort at decision must take its chance with the rest.

Human Greatness of a Century.

It is not long, as the span of life is measured, since Charles Dudley Warner interested himself for an hour in discussing the human greatness of the nineteenth century. To whomsoever else a title should be given, he insisted that Lincoln, Bismarck, and Tennyson were among the foremost on the roll of its fame. The first had saved a land of promise, the second had made one, and the third had been the seer of the age. And why, he asked, were these the great world citizens they were? Because, he replied, each, in his way, was intensely local,— the Kentucky pioneer, the Pomeranian squire, the Yorkshire yeoman. It is such intensity which alone can become comprehensive without degenerating into neutrality.

Without flattery or the foolish fondness of unwise comparison we may find in this unconscious attitude toward the indisputably great the key of Warner's own character. "Poor fellow," he declared of a brilliant comet on the firmament of literature,— "poor fellow," he never had a home. Himself a Saxon of the Saxons by inheritance, by birth, by training, by association, and by fond association, the home-lover in him was a citizen of the new and greater England this side the sea. Bryant was the poet of his heart. The song of New England brooks was in his ears, the fragrant breezes of her wild woods were the breath of his nostrils, the rigors of her white winters were the discipline of his soul. The type of his age, his blood, and his clime, was impressed on his person. Erect, symmetrical, and alert, his figure was made for endurance. His fine head and aquiline features expressed the

boldness of his adventurous character. His shrewd and kindly eyes displayed at once the directness of his observation and the respectful self-restraint of a chastened character. His gestures and his gait were destitute of self-consciousness, and indicated the movements of a sensitive mind, courageous, yet concerned for its fellow-minds. Indeed, his hand was on the pulse of the public all the time. The state of society interested him above everything; for he felt it his "duty," his terrible obligation, not merely to move others, but to be moved by them, in regard to all the eternal verities.

A Puritan.

Charles Dudley Warner was a Puritan. Referring once to a volume he had read in early youth, he declared it to have been a sower of good seed in the single assertion, enforced by learning and logic, that "life is the reciprocal interchange of relations." His highest concern was his reciprocal relation to God and man. In this he was Puritan to the core. No historic judgment regarding the Puritan has been so misshapen and perverted as that whose latest exponent was Matthew Arnold. The essence and control of Puritanism were not the doctrines of John Calvin, for Calvinists are and have been in large numbers far from Puritanism. Likewise there have been and are men of every dogmatic faith who are Puritans in temperament and conduct. Nor is severity, nor intolerance, nor the critical temper essential to Puritanism. These, too, have been displayed by men of every creed, positive and negative, Christian and heathen. Puritanism turns about one central sun. It has but one concept and a single article in its creed, the immediate relation of man to the invisible, whether invisible Godhead or spiritual manhood. Tradition is naught, for there is a direct revelation of the unseen in word and work. Ceremonial is valueless, for soul reacts on soul without temple, incense, or altar. Pope and priest are needless, for every man has access to the object of his desire. To the Christian Puritan the meeting is in the Elder Brother, who is divine. Many Puritans, indeed, found that they could apply this test of immediacy to the doctrines of Calvin; but very many believed they could not. The former, unfortunately, long sought to limit the object of worship to a God of justice and righteousness alone. The others remembered His love, His pity, and the perfection of His beauty. This was the conquering Puri-

tanism. It was a pæan of its victory that Browning sang when he wrote,—

> "No beauty, nor good, nor power
> Whose voice has gone forth, but each survives for the melodist
> When eternity affirms the conception of an hour."

Exactly this was the Puritanism of Warner: it inspired him to his latest day. In order to do, he must know. With the fire of youth he set about knowing: with the undimmed judgment of old age he was still curious, insatiably curious, to know. "I want to know," has been appropriated as its own by his type of newer Englishmen. Life and immortality he must touch. Reverently, but even their inner essence he must touch,— touch life as it is in the homes and habits of rich or poor, in the dwellings of the righteous, in the haunts of the vicious, in the recesses of farm-house and village, in the congestion of tenements and the fetid prison wards. Immortality he touched likewise as a reality, for the divine agency he saw at work everywhere in life. There was will and foreknowledge in every incident, however lowly; in every thought that worked toward an ideal, however concrete or selfish. He saw not the whole circumference of the wheels, nor claimed to, and yet was assured that all movement, organic,— yes, and inorganic,— was permeated with intellectual life.

Responsibility.

Of such matters he could commune with those who enjoyed his intimacy. To him the heavens were almost fierce in their whiteness and purity. He could, in graver moods, think only of the relations which such thoughts entailed on him. In fullest charity for all men who felt less keenly or saw less clearly, he felt responsibility only for himself; but he had no little watering-pot of self-righteousness wherewith to extinguish the fires of the universe. His responsibility for others was wisely limited to the reasonable influence he could exert in speech, in walk, and in affection. He was miserable at times over his own shortcomings. His behavior in many minor crises he deplored sincerely in sackcloth and ashes. His only hypocrisy was to hide the shame he felt for backsliding or defeat, the noble hypocrisy which, in fasting, washes its hands, arranges its garments, and does not appear to men to fast. There was no morbidness in his self-reproach, not a spark of that wounded

and smarting pride which so constantly masquerades in the guise of self-depreciation. The result of his stumble was that he could rise and go forward in a strength higher than his own. It was by mistakes well used and conquests over self that he became the master of morals recognized by his readers, by the thousands of clear American minds, unclouded by wealth, by over-training, by hypertrophy of any sort.

It is well known that Warner was born in a Massachusetts hill town, and that his ancestry had the New England patent of democratic nobility,— a family tree which sprang from the "Mayflower" Pilgrims. He was thoroughly educated in the broadest culture of his time, both liberally and professionally. Among his college mates at Hamilton were men who afterward reached the highest distinction. He had such friends as Hawley, senator and statesman; Stillman, archæologist, journalist, and historian; Fiske, scholar, professor, and bibliophile,— sons who have made their Alma Mater illustrious. His training in the law he had at Philadelphia, a focus of legal learning, and in legal practice there where tremendous social forces were already foreshadowing the unparalleled splendors of American effort, in the city of Chicago.

As Editor.

But, for all this, Warner's entry on the stage of real life was in connection with the daily press of a Connecticut city, which was his home; and almost to the end he was a working journalist, with all that is thereby implied. He is not and will not be known as such. Primarily, his great reputation is that of a man of letters. It was not as a news-gatherer nor as an editorial writer that fame hovered over him. In both of these functions he was thoroughly successful; and his career as a sound, judicious business journalist is there to attest the fact. Throughout the trying epoch of the great Rebellion, throughout the still more trying epoch of ill-starred reconstruction, he was a leader of New England thought, an accepted counsellor, sage, and conservative. But his influence was, in large measure, due to the fact that from the beginning he had the literary touch. To the latest hour of his life it hurt him to take money for literary work pure and simple; but, as an editor, drawing both salary and dividends on his stock, he could and did pour out his wit and humor, his lucidity and clarity, his appre-

ciation and satire, all alike with lavish hand and without a thought of incongruity.

When his friend, his chief, and his coadjutor, — Joe Hawley, as he always called him — went off to the war, to fight and win the distinction which afterward led to the senatorial goal, Warner was left to bear the brunt of another battle. It was in the editor's chair of the Hartford *Courant*, with the telegrams in his hand that told of novel, startling policies, of strife in the forum, and of bloodshed in the battlefield, that his inspiration came. As in solemn responsibility he discussed the awful events which now are becoming "old, forgotten, far-off things, and battles long-ago," but which then were fraught with anguish and stirred the strongest passions to their dregs, as his pen was the critic of times than which none were ever more portentous, so his style was white-hot, his words were all aflame. The patriotism of Connecticut was never suffered to wane for a single instant. One day, as he loved to tell with the well-known twinkle in his eye, at the very crisis of affairs, in a conjuncture which seemed to forebode ruin, he wrote an editorial of particular force. The very next morning the foreman of the *Courant* composing-room resigned his place, and enlisted. "Naturally," said Warner, "I was staggered, but charmed by the results of my eloquence — at first. But the man explained that he had rather go to the front and be killed than decipher any more of my editorials."

No wonder the editor's handwriting was shocking. In the weariness of his heart he turned for rest and comfort, as only the strong of the earth do turn, from an exacting vocation to a still more exacting avocation. Books and men were the double well-spring of his delights. He read, marked, digested, criticised, and wrote in the best constructively critical vein about what he had read. This rill of book-lore grew more and more abundant, swelling soon into a stream. Then began to appear in parts the papers which first showed his own original faculty, and afterward were collected and published under the title "My Summer in a Garden," the book which has made him known to readers by the tens upon tens and even hundreds of thousands. The garden was a real garden, its phases were the commonplaces of "the man with the hoe"; but the observer deployed on that background of reality an acumen, a judgment, and a humor which introduced a new spirit into Parnassus.

In American Letters.

The rewards of such an avocation were not long in coming,— recognition, fame, influence; but, above all else, a widened horizon and a character that grew more vigorous with every hour. The busy pen grew even busier. To the day of his death he was thinking, planning, writing. Volume after volume of his came from the press. He was for long in the very front rank of American writers, an essayist, a novelist, a critic, a humorist. It has been my privilege elsewhere to write and speak of him as the man of letters. I may not linger here over that theme; but, in our own connection, it is essential to say that his secret lay not alone in his power as a word artist, nor in the delicious humor he diffused throughout all he wrote, nor in the flashes of wit which oft-times made the reader's ribs ache with laughter, nor in many other powers which might be enumerated, and which, like these, he had in abundance. Charles Dudley Warner was, after all, the same man in letters that he was in journalism, and that he was in the profound study he gave to social problems,— a study in which he gained the eminence which made him the President of this distinguished Association. And what he was in all his life, in vocation, avocation, and human interest, was this rare combination,— an apostle of righteousness among men, yet a master of sympathy. He was both of these in one, because he was a Christian gentleman, a patriot, and a lover of his kind.

His Home.

It was thus a door with two leaves whereby Warner entered upon the predestined path of social investigation: these leaves were those of the newspaper and the book. While an editor, he was an ardent abolitionist and a devoted supporter of the Union. The home which, with the aid of an able and a devoted wife, he first established in Hartford, on no matter how few hundred dollars a year, was situated in his garden of flowers and fruits, and, embowered by nature's beauty without, was likewise beautiful within by its literature and its music; for in the latter his wife, his lifelong friend, companion, and lover, was an artist. His cottage was not far from that of Harriet Beecher Stowe. The Hartford abolitionists were citizens of no mean city. They were numerous and able. They felt passionately. They were intensive in their conflict with

iniquity, concentrating their forces on the enemy's weakest spot, fiercely determined to roll up his line, and disorganize his army when once the breach was made. After all, the anarchy and chaos consequent on utter rout are not the concern of the conqueror when in the heat of battle. Every gigantic effort in reform has produced extravagance in ruin, social, political, personal. These are the sorrows of history, and must be accepted as inevitable. But the chosen, devoted men and women who wiped off the last mediæval, or, rather, Oriental blot from the face of this beloved country, were accountable, and must be so held, for the splendors of their victory, and not for the confusion of those who supported, however honestly and devotedly, a cause which was an anachronism projected down into the heart of the nineteenth century. Of the men who in season and out of season, amid obloquy and reproach, with telling sarcasm and ringing appeal, fought against slavery and fought to a finish, Charles Dudley Warner was one, and one of the mighty. Less than ten years after the desperate struggle, Warner was pivotal in a choice circle of men who met continuously, though informally, in the house of a New York gentleman who had been ordered to Fort Lafayette for treason; and of that little circle an important unit was Lincoln's opponent in his second campaign.

The explanation was clear and easy. There had never been among the greater men of that terrific struggle a trace of selfishness. They had been divided in opinion and in their choice of principles. The war ended, what, in our homely and, though illogical, yet expressive parlance, we call quite a few, both South and North, remembered that, after all, we are brothers, and that brother men, brother sections, yes, even brother nations, sometimes know each other better, more soundly, and more correctly by reason of the bitterness of conflict. Such men — and of these Warner was a type — at once put the past behind them, except as a guide, and pressed forward to the solution of new and urgent problems. The question of reconstruction was so vast, so complex, so snarled, so inwoven with partisan selfishness, that very few, indeed, saw the "one step enough" to be taken next, or, seeing it, acknowledged the truth and were willing to shut out the "distant scene." Of these few Warner was one. What he saw and knew then is almost a platitude now, but it was a vivid novelty twenty-five years since. He understood, talking and acting on his understand-

ing, that the next step was an acquaintance as close in peace as the two fraternal combatants had made in war. But by this time he had an audience far transcending in dimensions that of any newspaper editor,— the audience of the popular author, of the still more important pamphleteer and magazine contributor. Upon the next stage of his philanthropic career he entered, therefore, by the door of literature.

New Circle in Hartford.

One of his closest friends remarked of him that he possessed, as few do, a gift which marks the quality of antique justice; that is, an eagerness to hear the other side. A new social circle had been formed in Hartford. To the older had come in new elements of power, while younger men had reached maturity and were free of the guild. The names of its members are well known,— Clemens, Bushnell, Hamersley, Twichell, Burton, Parker, and many more. These all were united in close association by the ties of the famous Monday Club. Amid them Warner was a foremost paladin. As iron sharpeneth iron, so his mind was trained, his horizon widened, his grasp strengthened. In the process he came to see the unity of the United States with large vision, as if from a mountain top. And his heart was profoundly moved by the troubles and dissensions of the South. As we have elsewhere said, he was fortunate in his home-mate, and was never fettered to a stake, however long or light the chain. It was easy for him to move; and, by an uncontrollable impulse, he now took his flight southward. In that first journey the scales of New England prejudice fell from his eyes; and he saw, without passion, the terrible plight of his fellow-countrymen, black and white. The result was published far and near in a great magazine; and the papers were collected into the volume, "South and West." One of the greatest journals sneered that he had been a victim of palaver and blandishment,— "licked over" was the elegant phrase; and to this hour there are those who cherish a condescending regret about his final stand on negro education, the powerful plea he urged from this platform not one short year ago. *Eheu, fugaces!* it seems an age since the comfort of his presence went from us.

In truth, he took a catholic and dispassionate mind as the main element in the outfit for his journey, a part of the traveller's equipment so often forgotten. And his diligence was prodigious. If memory serves, my own and that of others among his friends, there was not a single institution for the training and education of the negroes, from Hampton through the list, which he did not thoroughly examine. His work was entirely disinterested in all respects. His attitude toward all the men and women he saw, black or white, was one of attentive sympathy,— an attitude which unites hearts before they know it. His faculties of acquisition, deliberation, and judgment, were all alert. He did not travel as a literary artist, though he was that; nor as a curious novelty seeker, which he never was; nor as a precisian critic,— a thing abhorrent: he travelled as an investigator. In that rôle he had chosen a field and questions of a definite class. His observations he set down without malice or prejudice: his conclusions were well considered. Scherer, perhaps the greatest of contemporary French critics, has remarked that style is the simplest expression of a well-considered thought. In Warner's style there is a marked evolution, and one phase of it can be noted in his articles on the South. The great Northern audience read them appreciatively and eagerly; and such was their temper that the people who had furnished the ammunition, some of which was turned against themselves, were entirely complacent, even affectionate. As one of them said, he got at the heart of the South. He made acquaintance even with irate old Virginia and New Orleans ladies who spat out "Yankee" with an accent. "When his account is made up," wrote the same informant, "an army of these people would appear for him, did he — thank God, he does not — need their testimony." He came South neither to patronize nor write articles with local color, but simply to see how it all was, and afterward to explain the situation and do his best to make friends between the two sections; though he himself would have laughed at the phrase as implying exaggeration of his service.

Many here present will recall that very soon a group of Southern writers began to reach prominence in our literature and gain a hearing through our great journals and publishers. Most of them were Warner's personal friends. Perhaps the best known of these

last are Professor William P. Trent, Mrs. Ruth McEnery Stuart, and Miss Grace King. Two of them have said, and doubtless the third would acknowledge equal obligation, that they gained their hearing through the infinite pains he took with and for them.

He used sometimes to sigh good-naturedly, and say that, if only editors and publishers would hear him, he could keep Northern presses hot with excellent Southern literature. In one case a tale of considerable length and uncommon merit was substantially rewritten for the author on Warner's suggestion and through his persistence. It was so well received that it laid the first stone in a lasting foundation for fame. Literally, the South loves him, and that truly.

By his experiences there, he not only gave, but he received. In particular, his imagination was distinctly stimulated by the repeated journeys he made in search of milder climes than his New England winter could offer in those later days after he began to suffer from ailments which were seriously aggravated by cold and wind. The "Little Journey" was conceived and partly written amid Southern scenes, and his romances followed one another thereafter in regular succession.

Negro Problem.

On one occasion, during a sojourn at Old Point, he was the silent member in a boating party that wondered and speculated about certain strange phenomena in the sky. At last his voice arose calmly amid the chatter; and he said with oracular humor, "I do not know what it is; but, whatever it is, it is too late to prevent it." This was precisely his attitude to the race problem in the South. Another time he asked wittily, when some one criticised an ungainly neighbor as having legs entirely too long for his body, "Have you spoken with him about it?" The tone was as if any person of sense, once aware of such a fault, would correct it. These instances indicate a characteristic attitude of mind. He felt from the first, and said, in season and out of season, what is now said all abroad under the leadership of a born controller of men, Booker Washington, that the negro is here to stay, and that it is too late to prevent it; and he likewise had the concrete realization of the fact that the negro's spiritual, intellectual, and physical qualities are what they are. It is no use "to speak to

him about it." We cannot prevent, but we can meliorate: we cannot alter by surgery, but we can train. We can inaugurate a process of beneficent evolution, but we must begin at the very germ. Hence Warner's passionate interest in education, his study of race psychology, his steady change and modification of opinion as the problem yielded to analysis; and hence the conclusion he finally reached that, while the exceptional few among our colored fellow-citizens may and do profit from the standard American college training, the mass of the typical Negroes must be led or driven, if the public interest demand it, along the line of instruction suited to the earlier stages of human infancy. Industrial training, he came to know, is the finest stimulus to the earliest development of the judgment and the sense of conduct. This idea really possessed him during the final year of his life. For long years he had been unwearied in his investigation of the problem. It comforted him that at last his judgment was clarified. That his paper met with dissent by many important critics did not trouble him; for, in his modern Puritanism, he had put himself in contact with the heart of his problem, and from those penetralia he had done what he could to illuminate it.

Indeterminate Sentence.

But, when he died, there was one great sorrow in his heart. Were he speaking from this platform to-night, you, and later the far larger audience he could have commanded within these walls, might well have heard the bitter cry of the reformer calling from the depths. His theme would have been that element of prison reform known as the indeterminate sentence. With some of his closest friends he had communed long and earnestly, and his mind was made up that once more and here on this occasion he would agitate the question. One predominating thought is traceable in his attitude toward both education and penology, as indeed it permeated all his activities,— the need of discipline as quintessential to the very existence of society. It may well be so, for discipline was the keynote of his whole character. It is needless to recount how, as an editor, he was interested primarily in both local and State affairs, and how, ventilating the whole question of criminals in their relation to the social organism, he necessarily began to examine the prison system of Connecticut. Thereafter he had

literally no rest for the sole of his foot. He read voluminously, he travelled far and near, he consulted all the authoritative men, he examined typical criminals, he studied the various plans of reform as they were put in operation. More important than all else, he attended prison congresses, to read his own and discuss the papers of others; while in the same interest he addressed the public on every possible occasion. In this way he was at once a powerful influence in moulding the opinions both of the prison expert and of the intelligent voter. It was by reason of these experiences that he finally and definitely committed himself to what is known as the Elmira plan, and became the earnest advocate of the indeterminate sentence. It would be his dearest wish that younger men should gird on their armor and deal two-handed blows in support of both these ideas in the field of prison reform. That he did not live to see a measure of success for the Elmira experiment and a wide-spread interest in the theory which underlay it was almost the only real sorrow which he carried to his grave.

The Copyright.

Finally, there is an aspect of Warner's mind which is best illustrated by his connection with the copyright agitation. This may perhaps be called the aspect of self-training, that in which his sense of discipline was directed inward. It is not probable that any American writer suffered more from British piracy than did Charles Dudley Warner, whose books were reprinted in England and sold by the thousands without any money gain to the author worthy of mention. In the beginning of the copyright agitation, therefore, he was an opportunist, impulsive and zealous to secure right quickly almost any international agreement recognizing even the partial sanctity of literary property. When the movement came to a temporary full-stop in the arrangements now legal and operative, he was not one of the victors. Indeed, he felt himself in many ways unsympathetic with them. This fact has been marked and misunderstood. But the explanation is perfectly clear to those who talked with him as matters progressed. Trained as a lawyer, he began with the legal view,— that we should make the immediate advance which would have secured his own personal advantage. Living the life of the citizen, he ended with the moral view,— the uncompromising plea for the impracticable goal of to-day which will

beyond a peradventure be the attainment of some to-morrow, however distant. To abandon personal advantage for an ideal of the future is the severest self-discipline. With weaker minds it is often the wisdom of the foolish, with the strong ones it is the compass of social reformers. In Warner's case it was not the abandonment of one impulse for another: it was the climax to a long evolution in painstaking study and careful thought.

The Drink Question.

Acting thus in regard to his own beliefs and his own behavior he was singularly unwilling to impose on others against their will the rules and maxims laid down for himself. To the motto of O'Connell, which was "Agitate, agitate, agitate," he added another limit. His motto was "Agitate and educate." For a number of years, there has been in existence a committee of fifty on the drink question. Two volumes of reports are before the public, those on the legislative and economic aspects of the problem; a third, on the ethical aspect is in press; and a fourth, the most important of all, that on the physiological aspect, is nearly ready for the printer. Of this committee, Warner was the vice-chairman, and frequently the presiding officer, as he was always a leading spirit. It is no breach of confidence to say that one of the questions most hotly debated in its forum was as to whether or not the committee should issue a final summary of its own conclusions regarding its investigations. In its decision, supporting the negative of this question, Warner had a conspicuous part. He felt that in this momentous social question there was above all things need of light, of a light shining into the darkness of the vulgar mind. He was sure that enlightenment must be scientific, and not sentimental, and that, as in all things scientific and dispassionate, the process must be gradual. Agitation, education, the gradual array of opposing forces, the choice of ground, then the declaration of war, but not until then.

Broad Sympathy.

These were his main activities within the field which is cultivated by this Association. There were others, but of them it is not needful now to speak. The expansive power of New England character was never represented in greater brilliancy than in him.

As his methods grew broader, so did his sympathies. There was scarcely a good cause for which he could not be enlisted. In its hour of need, even the Pacific coast hailed him across the continent to come; and he went. In a series of papers almost pastoral in their simplicity and humanity, he told us of a life and a society essential to our national completeness, and roused our interests mightily. But the end came to him as it is appointed to all men, and it came in beauty. In religion, as in other vital matters, he had it known on which side he was to be found; and he died in the Christian ministry of neighborhood service, amid the lowly surroundings where he was known and loved exactly as he was known and loved among the powerful. Friends old and young, rich and poor, black and white, mourned his departure; but they mourned him as we do, as those who have hope and cheer and the will to go forward.

"They say that he is dead;
But, when the leaves burn red
To celebrate the triumph of the year,
I know his gentle spirit will be here.

"I know that when the breeze
Blows softly in the trees,
When fields are green beneath the April rains,
I still shall meet him in the budding lanes.

"When summer's highest tide
Floods all the countryside,
My quiet garden paths he will explore,
And I shall see him through the open door.

"Before the backlog's glow —
The world is white with snow —
Once more the old familar group will sit,
And taste the piquant flavor of his wit."

I. DEPARTMENT OF JURISPRUDENCE.

[Tuesday, April 16.]

In opening the proceedings of the Jurisprudence Department, Dean Francis Wayland, the Chairman, said: "This is the day for the Department of Jurisprudence. I feel it my duty to say to the members of the Association and to the citizens of Washington that on no occasion during our sessions last year did we begin with such a comparatively crowded house as we have this morning. It augurs well for the future; and I trust that all who are here will come again, and bring their friends with them.

"The first paper this morning is to be by Miss Rosalie Loew, of New York, a member of the New York bar, on 'Lawyers' Work among the Poor.' I do not know that anything illustrates more pleasantly and in more encouraging way the out-reaching tendency of modern Christian philanthropy than this very institution with which Miss Loew is connected and which she will tell us about in the paper, which will not be read by Miss Loew, but by her representative, Mr. Von Briesen, of New York. You will learn from this paper what this most deserving charity aims to do and what it accomplishes."

1. LAWYERS' WORK AMONG THE POOR.

BY MISS ROSALIE LOEW, OF THE NEW YORK BAR.

[Read Tuesday morning, April 16.]

The question in hand has at least two interesting phases: first, the practical workings of a plan to furnish lawyers to the poor; and, secondly, the relationship of such work to other philanthropic or correctional movements.

As a regularly organized society with the object of doing such work has existed in the metropolis of this hemisphere for over twenty-five years, there need be nothing of theory in the exposition of the conditions which occasion the necessity of lawyers' work among the poor, of the manner in which such work can be and is carried on, and of the results which follow.

There is no question of the necessity of the work of the lawyer in the present state of civilization. This is more especially true of the two Anglo-Saxon countries, the lands of liberty; for, says Blackstone, "Liberty, rightly understood, consists in the power of doing whatever the laws permit." The first step, then, of right living in this liberty is to know the law. Unquestionably, to-day this requires special knowledge and training, and is only another phase of the specialization which we now accept as a feature of our civilization.

The question next arises whether the conditions of the poor are such that the same necessity exists with them as with other persons. The story of the origin of the first society of the kind in the United States (and probably in the world) will answer this query.

For over one hundred years a society has existed in New York City for the assistance of German emigrants. Something over twenty-five years ago this society became aware that its charitable efforts could not outweigh certain influences; namely, organized plans for the robbery of German emigrants. It became necessary to bring the emigrant within the protection of the law by employing lawyers to prosecute those who attempted to wrong him. This was undertaken by a committee of the German Society, as-

sisted by an attorney. The needs, however, increased; and a new organization came into existence, formed solely for the purpose of giving to the German emigrant the opportunity to employ an attorney to protect him against abuse and injustice. In 1875, the first year of its existence, 212 persons applied for the services of this counsel. Year by year the number increased, and the scope of the society widened. Others than Germans came from the very beginning, and before long the German Legal Aid Society was German in name only. It has since become the Legal Aid Society.

Only the fields of human activity limit the lawyer's work. The needs of poor persons are as varied as those of the more fortunate. The system by which these needs are met is this: The society maintains near the county court-house a main office with the necessary staff. Applicants for its assistance are welcomed there within the usual business hours, from nine to five. A person known as a Registrar, a man of legal training, interviews each one, and classifies the assistance needed. The applicant is then referred accordingly to one of the attorneys of the office, who proceeds with the matter. In some cases only advice is needed; in others, money is to be collected,— without suit at law, if possible, by court proceedings, if necessary. Often court proceedings are needed for other purposes than the collection of money. It seems quite worth while here to cite from the latest annual report of the Legal Aid Society of New York, that of 1900, the full list of the nature of the applications made, as taken from the Registrar's book of entry. The list is as follows: —

Wages.
Goods sold and delivered.
Advice and papers drawn.
Domestic difficulties.
Money had and received.
Slander and libel.
Breach of contract.
Surrogate matters.
Conversion.
Damages personal property.
Board and lodging.
Pension matters.
Landlord and tenant.
Adoption proceedings.
Insurance and benefit.
Fraud.
Actions on check.
Recovery of personal property.
Assault and battery.
Damages personal injuries.
Money loaned.
Loss of personal property.
Habeas corpus.
Commissions.
Breach of promise.
Promissory note.
Partnership matters.
Criminal complaints.
Patent cases.
Breach of warranty.

Mechanics' liens.
Extra pay from navy.
Discharge certificates obtained.
Discharges from ship obtained.
Prize money obtained.
Citizen papers.
False imprisonment.
Obtained medal for services.
Seamen sent to hospital.
Illegal advances.
Lost baggage.
Passage to home port.
Deserters' wages.
Complaints for boarding vessels.
Deceased seamen's wages and clothing.
Complaints against boarding-house keepers.
Complaints against runners.
Illegal fees.
Illegal fines.
Salvage.
Attempted shanghai.
Money intrusted.
Back pay from navy.
Discharge from navy.
Illegal allotments.

It will be observed that the latter part of the list bears a distinct flavor of the sea. This brings us to the point where the cosmopolitanism of the city of New York influenced the growth of this particular society in a curious way. After twenty years' of existence the society found that among its thousands of applicants there were certain well-defined classes, such, for instance, as the denizens of those over-crowded portions of the city which are inhabited by emigrants from foreign countries almost exclusively. Workers in other fields,— as, for instance, persons devoted to improving the conditions of sailors,— observed the special need among their protégés of the services of a lawyer. The result has been that within four years the New York society has established three branch offices for more or less specialized work. The first of these branches to be established is called the Branch for Seamen. The name denotes the object. To show the conditions which surround the sailor, and which call loudly for just such help as the lawyer, and the lawyer only, can give, I quote the following on the authority of one who knows the subject thoroughly: —

When the laws now on the statute books are enforced, seamen will not be so frequently plundered of their hard earnings, or brutalized by the cruelty of ships' officers at sea, or by the greed of boarding-house keepers, and by thugs and thieves in the harbor and on shore. They will find employment without the payment of blood-money; and they will be free to choose the most available ships without impressment and other tricks known to the crimps and other birds of prey, who do not hesitate to drug, shanghai, and otherwise compel unwilling and unskilled men to ship as seamen.

Under existing laws, seamen are recognized as human beings and wards of the nation and the State, free to contract for service at sea, free to choose their lodgings on shore, free to receive their hard-earned wages, and free to provide for their dependent relatives or deposit their surplus in savings-banks.

But what do we find to be the case? These wards of the State and nation, numbering about one hundred thousand, notwithstanding this favorable legislation, are still exposed to robbery and brutality on ship and shore. During their miserable twelve years — the average of a sailor's life — they are deprived of a home while they live and of a grave when they die; for most of them die at sea. (J. Augustus Johnson, Esq.)

The result of this particular part of the work of the Legal Aid Society has been most gratifying. It has shown conclusively that the sailor can be protected by the law from the outrages that he has suffered for years.

The next branch to be established in New York City is the so-called University Settlement Branch, more popularly known as the East Side Branch. It is situated in the building of that wonderful institution, the University Settlement Society, in one of the foreign quarters already referred to. This particular quarter is the East Side. The office was opened for the reason that a large proportion of applicants came from this neighborhood. Most of them are working men and women, all of whom are poor. An office in their midst means the saving of their only capital, time. Owing to the prevalence of shameless and unchecked vice in this section, it has lately been the particular subject of study and observation by all interested in municipal conditions in New York City. A few words from the 1900 report of the attorney in charge of the office seem appropriate here: —

The East Side Branch is in the heart of the "red light" district. The general public recognizes that vicious conditions exist here. It does not fully appreciate that there are living in this same neighborhood thousands of families of hard-working and respectable folk. They are adapting themselves to new conditions, slowly and ignorantly, but with indomitable energy and persistence. It is from the ranks of these people that our clients come. To such the Legal Aid Society offers its advice and assistance. They know that here they will be helped to get the legal rights, for which, but for us, they could not afford to pay.

The third branch is the so-called "Woman's Branch." It is situated at considerable distance from the main office, near the

offices of several of the largest charitable organizations of the city, and is designed more especially to assist women. Both men and women apply, however, though the proportion of women is larger than in the other offices. The work is, therefore, general, and more like that of the main office.

Perhaps the story of a few actual cases will assist to give a clearer impression of the kind of work that this society does and the needs it reaches.

Savings-bank cases are not uncommon in the office of the Legal Aid Society. In one such case a wife had deposited her own money in the savings-bank on a book previously issued to her husband. When her husband had abandoned her, he went to the length of denying that the woman was his wife in his effort to defraud her of the money. A jury, however, believed the woman; and the money was recovered for her.

In another savings-bank case an old woman had given the money received by her as death benefit on the decease of her husband to a married daughter, to take care of for her. The daughter deposited the same in a bank in her own name, and later removed to Pennsylvania, first refusing to withdraw the money and return it to her mother. The bank in such cases, of course, refuses to pay except to the person to whom the bank-book is issued. The Legal Aid Society brought suit, and recovered for the old woman.

The second class of savings-bank case is that in which the bank pays the money to a wrong person; *i.e.*, to a person who wrongfully obtains possession of the bank-book, and who impersonates the depositor. In New York the law protects the banks in such payments to a large extent. In one such case the depositor was a poor cobbler, whose shop consisted of a space about three feet broad and twelve long, between two buildings, walled over in front with a doorway. There for five years he had worked, sleeping in his shop, eating barely enough to keep him alive, but saving constantly until he should have enough to bring over to this country from Russia his wife and children. At last he had $200, and his dream was about to come true. Suddenly, one Saturday, he missed his bank-book. He rushed to the bank, and was told that on Friday the money had been drawn by a man who presented the book, who claimed to be he, and to whom the money had been paid. For him the Legal Aid Society recovered judgment on a

jury trial, and sustained the same in two appellate courts. One need only to have seen that man's face when the money was paid over to him to realize by what sacrifices he had accumulated it, with what torture he had seen it apparently lost, and with what encouragement and hope he now looked forward to the future.

At one o'clock on a certain day the attorney for the society was rung up on the telephone, and asked whether, under a certain state of facts, a father was entitled to a writ of habeas corpus by which to regain possession of his child, and whether the society could assist him. He was advised to call at once, and he did so. An interview with him showed that the person holding the child had absolutely no right or claim to do so, and that her only object was to force the father to pay money which he did not owe. The child's mother having died a few months before, this woman had, in pretended neighborly kindness, taken care of the child. Now she claimed that she had boarded it. At two o'clock the man's petition was before the court, and a writ of habeas corpus at once granted, requiring the woman who had the child to produce it in court the next day. We caused the writ to be served, but, before doing so, made sufficient investigation to show the absolute truth of the man's story. The next day the woman's attorney still maintained before the court the right to keep the child. The court ordered that she restore the child to the father forthwith.

The so-called domestic difficulty cases are comparatively common. The husband not only deserts his wife, neglects to provide for her, but frequently, also, tries to restrain her from prosecuting him by commencing an unfounded action for divorce against her or by threatening to take her children. Through every phase of this difficulty the Legal Aid Society protects the woman who is in the right.

Collecting wages is the largest single class of case. For the journeyman, the domestic, the artisan, the nurse, the dressmaker, the day laborer, the shop-girl, the Legal Aid Society has collected hundreds of thousands of dollars.

Legal Aid work has a peculiar position in the philanthropic world. It gives nothing, it adds nothing to any one's share of goods or property. It seeks only to obtain something that one is already entitled to, but which is wrongfully withheld, to obtain that which the law guarantees; namely, to each his own. It is undeniable that without some assistance the law would not fulfil

its promise, for the machinery of the law must be set in motion. It is unavoidable that to set the law in motion should require some special agency. Law-makers sometimes seek to make certain forms of procedure simple for the very purpose of enabling the poorer members of a community to help themselves in this regard. But, at the least, time is required; and time is the wage-earner's be-all and end-all. Such a society as this saves time for those who could still help themselves without it, and aids countless others who need services that are more involved.

The distinctive characteristic of this work is that, in addition to materially improving the condition of its clients, it has a strong educational influence. It educates by enforcing rights, and also in that large class of cases in which advice only is asked. It Americanizes the foreigner, and is the one medium through which he learns that, in truth, before the law all men are equal.

Boston, Philadelphia, Baltimore, St. Louis, and other localities have or are about to have similar organizations. It is a work that is needed wherever rapacity, meanness, or indifference, remains a characteristic of human nature. It is questionable whether any state, however ideal, could perform for any one class of citizens these functions. Hence it may be said that the need for this work will always continue. Certainly, for generations to come we will need to have in our midst an agency that will "judge righteously, plead the cause of the poor and needy, defend the poor and the fatherless, do justice to the needy, seek judgment, relieve the oppressed, judge the fatherless, and plead the cause of the poor and the widow."

Mrs. CAROLINE H. DALL. — Mr. Chairman, I simply desire to say that it is very remarkable how little knowledge exists of such an institution as the Legal Aid Society in New York. There are few persons, probably, in this session who ever heard of this Legal Aid Society unless they were personally interested in some of the questions connected with it. No one can visit much among the poor, as I have been in the habit of doing all my life, without seeing how great need there is for such a society. The very first thing that ever made me interested in what is called the personal independence of women, and also their need of suffrage, was the fact that a woman could not protect her wages to support her children, when her husband did not do it. In all such cases it is necessary for people who live in States where the old law has not been changed to have the advice of a lawyer; and, unless they are remarkably benevolent lawyers, they never have any time for such cases. Therefore, the ne-

cessity for such a society is very great; and probably there is no place in the world where the necessity is so great in proportion to its population as in Washington to-day. Therefore, I wish that some of those present who live in Washington would immediately devote their attention to this subject, and try to form such a society here among lawyers who have the time and money to spare.

Mrs. ELLEN SPENCER MUSSEY. — Mr. Chairman, may I be permitted to speak for the lawyers? and they are interested in this work almost universally. I have the pleasure of being acquainted with the Washington bar, having made its acquaintance as one of its members who has been received with all graciousness and kindness. I am sure that in that bar the poor get their full share of the attention of its members. It is customary for the laity, as we speak of them, to suppose that the time of a lawyer is not money. If it is not money, he cannot sustain himself. It is not right nor just that lawyers should be expected to give their time entirely to even such a worthy object without the assistance of the laity. They are always glad to join and give their money toward supporting the benevolent movements of this country.

Mr. MCKELWAY. — Mr. Chairman, ladies and gentlemen, I am not entirely unfamiliar with the work of the Legal Aid Society: it has been brought to my attention within a few weeks very strikingly. Previous to that time I had a general knowledge of it. That general knowledge came as nearly all such knowledge comes to a newspaper man,— through friends directly engaged in the work. Those friends brought it to my knowledge by their desire that the work should be reported and commended to the public. I was certainly able, through my associates, to report the work in some of its branches; and it was a great pleasure to me to commend the results of their observations.

The particular occasion to which I refer was the anniversary of the twenty-fifth year of the organization of the Legal Aid Society in the city of New York. It took the form of a dinner at the Hotel Waldorf, in the opera room, as it may be called, or concert hall. The dinner was significant in a respect in which I wish more dinners were in the same way. Women as well as men were invited, and the proportion of women was larger than that of men. The men had to make up for their minority of numbers by their majority of distinction; but they soon found that that comfortable consolatory expedient was denied them, because the women who were present had done quite as much as the men, and, had they been called upon, could have told about it, to say the least, quite as well.

The Legal Aid Society of New York was then represented in the person of its president, Mr. Arthur von Briesen. He was not the founder of the German Society, which was the pioneer of the present society; but for the last seventeen years he has been the president of the Legal Aid Society, into which the original German Society expanded. It expanded for three reasons: first, because there were more than Germans that needed the protection which this society would throw around them; secondly, because the primary object — the protection of immigrants and of sailors — grew by natural sympathy into the larger object of the protection and guardianship of all of the poor and all of the injured; thirdly, because of the tendency to Americanize, by name, and in nature and in operation and in agencies, all our institutions and forces

of benevolence and of altruism rather than to Germanize them or to make them specifically significant of any one or the many temporary compartments of our ultimate Americanism.

I was very much instructed by some of the statements made. The statement which perhaps most impressed me was this,— not that people need so much to be protected in their rights as to be informed concerning their rights; and growing out of that, when they are informed concerning their rights, they become informed concerning the limitations of their rights,— concerning the things which they cannot do and should not do, as well as concerning the things that ought to be done under them. The work was not entirely remedial and ameliorative, but it was educational; and the well-to-do — the rich, if you please — were quite as much in need of the offices of this society for their protection against unjust demands as the poor were in need of its offices for their protection in their plain and clear rights.

An incident was told in which the benign offices of the law were significantly illustrated. A man had been arrested for an offence which he had not committed, but with which he was charged, and as to which the evidence pointed toward his guilt. He did not know our language. He could not make himself understood in his own language to those by whom he was arrested. In temporary custody, a countryman of his own told him of the existence of this society. He succeeded in telling his wife the name of the society. She found its location, and made known his rights and his wrongs to that society. The society placed him right before the law. Now by association, to some extent by sympathy, that man under unjust treatment was quite in danger of becoming a rebel within the community; but by this process of justice he was converted into a conservative, law-respecting man, who had confidence in government, confidence in the good intents of government, and satisfaction with his experience under government. The instance was more than single. It became multiplied in the experience of a large circle affected to that man by relation, acquaintanceship, and association. You can see that the moral example of that would be great: you can see that the municipal, the social, the civic value of it would be almost beyond computation.

Last night, in lieu of the pleasure of being with the members of the Association, I had the other pleasure of meeting Sir William Vanhorn, the builder of the Canadian Pacific Railroad — perhaps the greatest builder of modern times — and the head of the society for the industrial development of Cuba He told me that in pursuance of his plans the company intended to gridiron Cuba north and south and east and west with railroads, having lateral branches running out east and west of the trunk line and north and south of the trunk line; that they had also bought immense plantations, which they would divide up into easily worked farms; and that they intended to put the power of acquiring land into the hands of the people who have been working it. That has been denied them. They have received their pay by allotments of, say, an acre and a half for a garden and of 5 per cent. of the value of the raw sugar-cane, computed by weight, which they could turn in from the plantation. They were cheated in the weight and they were cheated in the quantity of the cane, 5 per cent. of some cane being more valuable than 5 per cent. of other cane. When settlement day came, they were very often discharged without

any explanation or any hope of redress. They were made potential insurgents; they were made men with an alacrity to rebel; they were made men who found in the opportunity to burn the cane plantations or the houses of factors a chance for that revenge — war — which was to them the only friend and the only name that justice could assume in their untutored minds. These men are being employed in the construction of railroads, of cane mills, and of fruit-packing establishments. They are contented. They know that land is to be leased to them, on the plan of these improvements, which they can acquire on instalments, whether from five to ten, to twenty, to twenty-five years it matters not.

Furthermore, 28,000 subjects of the Queen of Spain were imported into Cuba last year from Galicia, the point stretching out into the ocean to the north of Portugal. They are blond, frank, cheery men; and Sir William said that but for their being Spaniards they would be taken to be Irish peasants, the physical and intellectual analogy between the two classes being so remarkably close. They are the best workers, he says, he has ever known. They are industrious; they are contented; they are obedient; they are cheerful; they are hopeful; they are thrifty. And he also told me that, under the benign operations of our government there, schools are springing up everywhere; and the alacrity with which little black and yellow children are learning the rudiments of our language is inspiring as well as pathetic.

That is only a legal aid society in another way. Government itself is becoming a legal aider. All the rank and file of the people are becoming the subjects of its aid; but it is a healthy and an uplifting aid, because it is an aid to tell people, to show people, to encourage people, and by the moral and unprejudiced coercion of public opinion compel people to help themselves.

I think the best function of a legal aid society would be, so far as possible, to bring about conditions in which legal aid societies would eventually be no longer necessary. I think we should recognize that it is, whether for this century or for the whole of the ensuing century, only a temporary part of our institutions of government; that our object should be to bring every one to a level of intelligence, every one, so far as possible, to a level of efficiency, and government itself to a level of justice, of flexibility, of capacity, and of comprehensiveness that will make these organizations among the people, which are now a satire on the adequacy of government, no longer necessary; that will make these aids among people, which are a reflection upon the failure of the social organization to accomplish its entire purpose, no longer prevalent; and that, while in present circumstances and under present limitations we do all we can to hold up the hands and cheer the hearts of all the men and women workers in every department of high endeavor, we shall do it with reference to the time when conditions will be so fair, when government will be so benign and impartial, when men will be so intelligent, when churches will be so broad, so catholic, and liberal-minded, that these special forms of effort to relieve the evils of government and to remove the disparities in human conditions will be no longer necessary.

The CHAIRMAN. — Your attention has undoubtedly been called to the fact that throughout this country, in almost all of its States, there is a growing feeling of the need of prison reform. Professor Sloane, in an admirable paper last evening, showed how a man whose instincts were almost purely literary, as a humanitarian and as a practical philanthropist, became intently interested in prison reform, carrying his view by and by to a single concrete point, —the indeterminate sentence. We may say that the pioneer of prison reform in this country was Edward Livingston, of Louisiana, whose penal code is a sort of bible among penologists. We are very fortunate in having our attention called to him this morning by a member of the New York bar who has been prominent in the work of prison reform for several years, and than whom no one is more competent to deal intelligently with this subject. I have great pleasure in introducing to you Mr. Eugene Smith, of New York.

2. EDWARD LIVINGSTON AND HIS CRIMINAL CODE.

BY EUGENE SMITH, ESQ., OF THE NEW YORK BAR.

[Read Tuesday morning, April 16.]

New discoveries are apt to prove re-discoveries. A new method in science or a new principle in philosophy is sometimes discovered before the world is fitted to assimilate it, and so it falls into oblivion. Generations pass, and the same method or principle is again discovered through some wholly independent and original process; and then, because the fulness of time has come, it may mark a new era in science or philosophy. Some illustrations of such duplicated discovery occur in the development of the Science of Penology, or Prison Science, — a science so young in years that it can hardly be said to have had an existence in any working system before the present generation. In the treatment of convicts with a view to their reformation, it has been found by experiment desirable that their situation in prison should be rendered as closely like that of free workmen outside as is consistent with discipline. They are thus subjected to the same kind of desires and motives that in common life are ordinarily sufficient to restrain men from crime; and, when discharged from prison, they are thus prepared to adjust themselves more readily to the new conditions. A convict in prison cannot well learn, for example, the value of money and economy in the use of it without some actual experience

in the management of money. In the experimental application of this principle, Mr. Brockway introduced into the Elmira Reformatory, a few years ago, a system of book-keeping, by which a separate account was opened with each convict. The convict was treated like a free workman. He was charged in account with the cost of his living, board, clothing, bedding, tools, and was credited with wages for his labor. The plan was regarded as a novel and most striking experiment, based upon correct scientific principles. I think it would surprise Mr. Brockway and those who applauded this as an entirely new departure to learn that an act was passed by the legislature of New York in the year *1801*, which provided for the establishment in the State prison of a system of separate accounts with each individual convict of precisely the same character with the system evolved by Mr. Brockway nearly a century later. Whether the system was ever actually used in the State prison, then located at Greenwich in the city of New York, I have no means of knowing. But 1801 was the year in which Edward Livingston was elected mayor of the city of New York; and the fact that he afterward embodied in his celebrated penal code for Louisiana a like provision affords presumptive evidence that he was the author of this wise measure of prison discipline.

Edward Livingston was a very prominent figure in the early history of the United States. He belonged to a family which held a distinguished position in political and public life, both before and after the Revolution. The founder of the family was Colonel Robert Livingston, a Scotchman, who came to this country in the seventeenth century. He acquired a vast tract of land on the east side of the Hudson River above Poughkeepsie, where he established his residence,— a place famous in history as the "Livingston Manor." A grandson of Colonel Livingston was Robert R. Livingston, for many years an honored judge of the Supreme Court of the colony of New York. This Judge Livingston had, among other children, two sons who attained the highest distinction. The elder of these, named after his father, Robert R. Livingston, had the honor of being one of the committee of five appointed to draft the Declaration of Independence. He held the important office of Secretary of Foreign Affairs during the War of the Revolution, afterward became chancellor of the State of New York,— a position he filled for many years with distinguished ability,— and during President Jefferson's administration was United States minister to France, where he negotiated the Louisiana purchase.

Edward Livingston, the subject of the present sketch, was the youngest brother of Chancellor Livingston, and nearly twenty years his junior. He was born on the ancestral estate in 1764. He was graduated at Princeton College in 1781, when seventeen years of age. His college course was during the tumultuous period of the Revolutionary War, of which Princeton was one of the storm centres. The excitement of the war, hostile to the quiet pursuit of learning, had nearly depleted Princeton College; and Livingston's class was graduated with only six members. Immediately after graduation he entered upon the study of law at Albany in the office of John Lansing (afterward chancellor of New York); and, upon the evacuation of New York City by the British in 1783, he removed to that city, where he was admitted to the bar in 1785, at twenty-one years of age.

Edward Livingston entered upon his career under the most favoring auspices. He was a young man of winning and attractive manners, of genial disposition, of irreproachable character, a thoughtful and diligent student, endowed with extraordinary natural abilities, and backed by a large and most influential family connection. His rise was rapid, as could not but be anticipated; but it was only by unusual powers of intellect and of application that he deserved and won a high standing at the bar of New York. That bar comprised the most eminent and experienced lawyers in the country, among whom were numbered Alexander Hamilton, Aaron Burr, Brockholst Livingston, and James Kent.

In 1794 Livingston was elected member of Congress from New York, and served three successive terms, being twice re-elected. He made some notable speeches in the House, and his Congressional career served to widen his acquaintance and enlarge his reputation. In the Presidential election which resulted in a tie vote for Thomas Jefferson and Aaron Burr, Livingston declared in favor of Jefferson, and by the warm and constant advocacy of his cause, placed Jefferson under a deep sense of personal gratitude. This found expression in the appointment of Livingston as United States District Attorney for the District of New York, which then included the entire State.

At the close of his third term in Congress, Livingston having declined a renomination and returning to New York, he was the next year (1801) elected mayor of the city of New York. In the administration of this office, he gained distinction which still fur-

ther added to his renown and influence. The Mayor's Court, already an important tribunal, gained added dignity from the ability and learning with which Livingston decided the causes upon its docket. In the summer of 1803 New York City was visited by one of its periodical epidemics of the yellow fever. The city was abandoned by those of the citizens whose circumstances permitted them to escape from the contagion; but Livingston, impressed with an honorable conviction of his duty as mayor, remained at his post. Believing himself to be in a sense the father of his people, he fearlessly made a daily visitation of the houses where the disease was raging, and personally ministered to the sick, using his private resources to provide them with medicines and dainties. At last, he was himself stricken down with the dread disease; and during his sickness his house was fairly besieged by the grateful citizens, to whom his heroic conduct had greatly endeared him, all eager to do something to testify their anxious affection. Upon his recovery and after the epidemic had run its course and departed, it is easy to believe that Livingston was idolized by the people, who were ready to bestow upon him any preferment which it was within their power to grant.

It was just at this acme of his honor and his fortunes when Livingston was suddenly smitten with a disaster which immediately changed the whole current of his life. During his mayoralty he had continued to hold the office of United States District Attorney. While such a combination of offices at the present time is inconceivable, it does not seem to have occasioned then any suggestion of incongruity; but it necessitated a large dependence upon subordinate employees. It was suddenly discovered that a large amount of money belonging to the United States and collected by Livingston as district attorney had been embezzled by one of his trusted clerks. The only blame attaching to the district attorney was that of negligence in making it possible for a clerk to commit such a defalcation. But it placed Livingston in the legal position of a defaulter and a debtor to the government in a sum which it was far beyond his ability to meet. He was overwhelmed with shame and mortification. Eager to make such reparation as he could, he immediately transferred all of his property toward payment of the debt, and confessed judgment in favor of the United States for $100,000. The net amount of the indebtedness was afterward ascertained to be about $46,000, and it became

thenceforth the one engrossing aim of Livingston's life to discharge that obligation.

He decided at once to abandon New York and to begin life anew in some other field. The newly acquired Territory of Louisiana attracted him for several reasons. His studies had made him familiar with the Roman, Spanish, and French systems of civil law, all of which entered into the law prevailing in the new Territory. He anticipated a rapid development of the city of New Orleans, and thought that opportunities would be presented to him there of making investments in real estate, from the rising values of which he would speedily realize sufficient profits to enable him to pay off his indebtedness to the government. He determined accordingly to migrate to New Orleans, cherishing the expectation that his absence from New York would be but temporary, and that within two or three years he could return, free from debt. The worldly wisdom of this decision may well be doubted; but, while resting under the ban of a defaulter before the law, his sensitiveness shrank from daily intercourse with those who had always held him in honor.

He reached New Orleans a stranger, provided with letters of introduction, but personally acquainted with not one individual in the city. His fame as a lawyer seems to have preceded him; and that, sustained as it was by his extraordinary abilities and attractive personal qualities, won him an immediate success that was almost phenomenal. The seventh day of February, 1804, was the date of his arrival. In the next following month of April he appeared as counsel in six cases upon the court calendar for the April term, and the next month, May, in twenty-nine cases. He leaped at once to the very foremost position at the bar of New Orleans. This position he both deserved and maintained by severe, unremitting labor, and by attainments and natural gifts which were quite unrivalled at that bar. He possessed an impressive eloquence; and all his speeches and writing that have been preserved are clear, forcible, and bear the impress of logical and profound thought. His literary style had a ponderous rotundity and an affluence of language which was highly effective seventy-five and even fifty years ago. But Louisiana was a new and wild country, and the rate of legal fees was far beneath the ample scale of New York. Livingston's anticipations of the speed with which he could amass wealth in New Orleans were doomed to bitter disappoint-

ment. The expected two or three years of prosperous exile had lengthened out to twenty-three years of constant toil and effort, and yet that direful debt to the United States remained wholly unpaid. It then amounted with interest to $100,000. At last, in 1826, Livingston was able to effect a settlement with the government, by the terms of which he conveyed to the United States a plot of real estate, which he had acquired in the city of New Orleans, in full payment and extinguishment of the debt. Shortly afterward the United States realized from the sale of such real estate over $106,000. The debt was thus fully discharged; and Livingston, purged of all taint of dishonor, was at last free to return to the home and the friends of his early life. This long and steadfast sacrifice that he made and the exile he endured in the accomplishment of an honorable end have in them elements both heroic and pathetic.

Livingston was a prominent actor in the celebrated defence of New Orleans against the British in the War of 1812. General Jackson, whose acquaintance he had made in Congress twenty years before, appointed him his adjutant; and, in that capacity, he rendered such efficient military service during the siege of the city as endeared him to the general's heart. There resulted a warm, lifelong personal attachment between General Jackson and Livingston, which in after years bore important results.

In 1823 Livingston became member of Congress, and in 1829 he was elected United States senator from Louisiana. In 1831 he was chosen by President Jackson a member of the cabinet as Secretary of State, and in 1833 he was appointed United States minister to France. His public life and service in these successive offices are matters of general history which it would be out of place here to recount.

In 1828, by the will of his sister, Mrs. Montgomery, he became the owner of Montgomery Place, a large estate, beautifully situated on the Hudson River, and portion of the ancestral Livingston Manor, where he established his home. There the closing part of his life was passed, in circumstances of affluence and great domestic happiness; and there he breathed his last in the year 1836, at the age of seventy-two years.

In this hasty sketch of Livingston's life I have reserved to the end a review of that part of his work upon which his fame distinctly rests, and which will cause the memory of him as a pioneer

in criminal law reform to be long cherished and honored. Livingston possessed a genius for the codification of law, and his name must head the list of the eminent framers of law codes in the modern world. Early in life he became a diligent student of the criminal law and deeply interested in prison reform. During his first term in Congress he endeavored to secure and afterward drafted a code to effect a revision of the penal laws of the United States; and in 1805, the next year after his removal to New Orleans, he composed a Code of Civil Procedure regulating the practice in the courts of Louisiana, which was adopted by the legislature. It may cause an additional pang to the code-ridden lawyers of the present day, who suffer under a Code of Civil Procedure containing over three thousand sections and filling, when annotated, three enormous royal octavos, to learn that Livingston's Civil Code was comprised in 23 pages; and there is no reason to believe that its concise brevity impaired its practical usefulness. Later Livingston prepared a code of the entire civil law of Louisiana, which was likewise adopted by the legislature, and has ever since constituted the basis of the civil law of that State.

But the crowning work of Livingston's life was the Criminal Codes for the State of Louisiana, which he composed, pursuant to an act of the legislature appointing him commissioner for this purpose. The criminal law in Louisiana was in a hopelessly chaotic condition. Originally, Louisiana was a colony of Spain governed, of course, by Spanish law. Later it came for a brief period under the dominion of France. After its annexation to the United States its legislature adopted, to a limited extent, the common law of England; but, except as modified by statute, the Spanish and French law prevailed. Further complication was caused through the enactment by the legislature of a series of conflicting penal statutes. The result became an undefined and inextricable medley of Spanish and French laws and usages, English common law, and contradictory statute laws, which made the interpretation of the criminal law perplexed and doubtful, the mode of procedure uncertain, the rules of evidence largely discretionary, and the consequent miscarriage of justice frequent and inevitable.

In 1820 the legislature of Louisiana passed an act declaring that a code of criminal law should be founded on one principle,—

namely, the prevention of crime,— and, in view of the defects of the existing system, providing for the appointment of a commissioner to prepare such a code. Edward Livingston was appointed the sole commissioner, and he entered at once upon the work. He devoted four years of severe labor to this undertaking, examining and comparing the criminal systems of other States and countries and corresponding with the most prominent jurists at home and abroad. The work was completed by the production of four distinct codes: one of crimes and punishments, one of procedure and one of evidence in criminal cases, and a code of reform and prison discipline. Each code was accompanied with an elaborate report explanatory of the reasons and principles underlying its provisions. The manuscript was entirely ready to go to the hands of the printer, and Livingston, having spent the evening in making the final corrections, retired at a late hour. Before morning he was aroused by an alarm of fire which had broken out in his library. The manuscript was utterly destroyed, and not only that, but all the notes and memoranda upon which it was based were burned to ashes. Hardly a vestige of four years' toil survived except what remained indelibly impressed on the author's memory. It will be remembered that a similar calamity befell Thomas Carlyle in the destruction of the manuscript of the "French Revolution." That was a distinct loss to the world; for, though Carlyle rewrote the book, its value is impaired by the constant assumption that the reader is already intimately acquainted with all the facts and characters involved, which remained vivid in the author's mind. Like Carlyle, Livingston immediately set himself at the work of reproduction; but, unlike Carlyle's "French Revolution," I believe that the Codes gained added exactness and harmony from the rewriting. It cost Livingston, however, two more years of hard labor before the Codes were again completed and published.

Seventy-five years have since elapsed, and yet it is probably safe now to say that these codes embody the most comprehensive and enlightened system of criminal law that has ever been presented to the world. They constitute a thesaurus from which the world has ever since been drawing ideas and principles. The Code of Reform and Prison Discipline is especially striking from the breadth of its view, and in some particulars its wisdom is yet in advance of even the present age. No intelligent summary of the vast scheme elaborated in these codes can be attempted

within the limits of this paper. It is only possible to speak of one or two of their salient features which have an important bearing on the unsolved problems which confront us to-day.

Idleness is the most prolific source of crime. Every community is formed of two divisions,— those who support themselves by their own labor or resources and those who do not. The latter division must derive their support from the former division, either through charity, public or private, or by committing crime; but among those who do not support themselves is a class made up of those persons who can work and are willing to work, but cannot find employment. This class of honest, unemployed workmen may well excite not only the keenest sympathy, but also the most grave solicitude. Hanging on the edge of starvation and desperation, unless a helping hand is extended to them, they are in acute danger of falling into crime. How to help this class and to save them from becoming criminals is the problem of the present time, than which there is no other more urgent or imperative. Livingston's code solved this problem by providing a House of Refuge where honest workmen, unable to secure employment elsewhere, should be provided with work at the expense of the State, and receive temporary shelter and support with an interest in the profits of their labor. The State of New York has a quite different way of dealing with the unfortunate members of this class. It sends them to prison! Every year hundreds of honest workingmen, who have committed no offence against the law, but are simply idle "because no man hath hired them," are sentenced to the *penitentiaries*. In many cases this is done on the men's own application, to save them from impending starvation. The warden of Kings County Penitentiary asserts that men are constantly committed there who have been charged with no crime, but are simply out of work and homeless; and he adds: "By our treatment of the unemployed we are *making criminals* of men who have heretofore been honest, self-sustaining members of the community, and who would be so again, could they obtain work." To sentence these unfortunate men to association with felons and to brand them on their discharge with the ignominious title of ex-convicts, is a policy not less cruel and inhuman than it is suicidal to the interests of the State. It may be objected that Livingston's plan savors of socialism, and that the relief it affords had best be left to private charity. But private charity is, in fact, inade-

quate; and we are confronted with the existing situation, terrible and fraught with danger. The State supplies food for the starving, shelter for the houseless, medicine and treatment for the sick: why should it not provide work for the deserving workman, when without it he cannot live honestly? Properly safeguarded against abuse, what better plan than Livingston's has yet been proposed to solve the threatening problem of the "unemployed"? Indeed, what other possible plan is practical and effective?

It is another glaring defect of our penal system that persons accused of no crime but simply detained as witnesses, persons accused of slight misdemeanors, persons accused of the gravest felonies, and persons actually convicted and serving sentence are all confined together, in promiscuous association in the county jails and places of detention. Many of these persons are actually innocent, and it is an outrage to subject them to this vile companionship. When they are discharged, their souls are pretty sure to be tainted by enforced contact with vice and crime. Livingston was the first to propose separate and secluded confinement of each person in these houses of temporary detention,—a reform greatly needed, and one which, so far as I know, has never yet been effected.

The treatment of Prison Labor is an interesting feature of the Code. The convict, upon his entrance into the penitentiary, was to be confined in a solitary cell, where for a period of forty-eight hours he was to have no employment, no books, and no companionship except that of his own reflections. His bed was hard, his food wholesome, but meagre, and the deprivation of employment a part of his punishment. At the expiration of this initial period the convict was offered the privilege of labor, and told how by industry he could gain an alleviation of his condition, more comforts in his cell, more abundant and palatable food, the use of books to read, visits from his friends, instruction in a class; but all these things were the fruit of labor, not to be gained except by diligent industry. Thus labor was never made compulsory: it was offered as a boon, as the only means of gaining comforts and contentment. In this way, work came to be regarded, not as a hateful task, part of the punishment, but as the only road to advancement, self-improvement, happiness; and the healthy, life-giving habit of labor was formed.

Most of those principles and practices which have been devel-

oped by experiment in recent years as the basis of a sound prison science were evolved by Livingston's thought and embodied in the Codes,— thus, among others, the individual treatment of convicts, criminal statistics, measurements identifying criminals (nearly anticipating Bertillon), instruction both mental and religious, the exalted office and supreme authority of the warden, the avoidance of vicious associations among prisoners, and the dominating aim of reformation. It is no derogation to Livingston to assert, however, that the world does move. The most radical and important step in progress that penology has ever made is the invention of the indeterminate sentence for crime, with its accompanying conditional liberation. Of this great advance, which overturns the very foundations of the old criminal law, which eliminates the unattainable aim of a code to fit in advance the penalty to the crime, which treats the criminal as any other abnormal human creature dangerous to the public is treated, by keeping him in confinement until he is cured, and releasing him only when it is safe for the community to release him,— of this new philosophy no glimpse was vouchsafed to the prescient mind of Edward Livingston.

The Livingston Code, immediately upon its publication, elicited enthusiastic expressions of admiration and approval from eminent authorities on both sides the Atlantic. Some of the letters written by distinguished men to Livingston (which are preserved in his biography) are interesting as showing how far the writers were able to anticipate the verdict of posterity. Thomas Jefferson wrote, in the somewhat magniloquent phraseology of the day, "The Code will certainly arrange your name with the sages of antiquity." James Kent wrote, "You have done more in giving precision, specification, accuracy, and moderation to the system of crimes and punishments than any other legislator of the age, and your name will go down to posterity with distinguished honor." Victor Hugo wrote to him, "You will be numbered among the men of this age who have deserved most and best of mankind"; and Henry Sumner Maine pronounced Livingston "the first legal genius of modern times."

The Code was republished in France and in England, and Jeremy Bentham proposed that a measure should be introduced in Parliament to print the whole work for the use of the English nation. It has been alleged that Livingston drew his Code from

the writings of Bentham. While Livingston was familiar with those writings, and gained suggestions from them, it is undeniable that he reached a far higher and broader plane of thought and developed a more comprehensive system than was ever attained by the mind of Jeremy Bentham.

The Code was not adopted by the State of Louisiana: it involved an entire reconstruction of the whole penal organization of the State, and was beyond the limitations of the time; but it presented high ideals, toward the attainment of which the world has ever since been advancing. The study of Livingston's work has often recalled to my mind this eloquent passage from Macaulay: "The highest intellects, like the tops of mountains, are the first to catch and to reflect the dawn. They are bright while the level below is still in darkness. But soon the light, which at first illuminated only the loftiest eminences, descends on the plain and penetrates to the deepest valley. First came hints, then fragments of systems, then defective systems, then complete and harmonious systems. The sound opinion held for a time by one bold speculator becomes the opinion of a small minority, of a strong minority, of a majority of mankind."

3. THE LATIN-AMERICAN CONSTITUTIONS AND REVOLUTIONS.

BY THE HON. JOHN W. FOSTER, LL.D., OF WASHINGTON, D.C.

[Read Tuesday morning, April 16.]

On attaining their independence, the Latin-American republics modelled their forms of government after that of the United States. In almost all their constitutions the article relating to the executive power, like that of the United States, contained no prohibition against the re-election of the president. But a bitter and bloody experience has caused them, with nearly the same degree of unanimity, to revise their constitutions in this respect.

The provisions of the existing constitutions of those countries relating to the executive may be briefly enumerated as follows: In Mexico the president is chosen for four years by an electoral college, and no prohibition exists against a re-election. The cause of this exception to the general practice will be referred to later. The secretary of foreign relations succeeds to the presidency on the death or disability of the president, and orders a new election. In the five Central American States the provisions vary as to the manner of election and term of office, but in most of them the president is made ineligible for re-election. In Colombia the president is chosen by an electoral college for a period of six years, and is made ineligible for re-election. Ecuador elects its president by the direct vote of the people for the term of four years, and he cannot be re-elected. The vice-president is elected for the same term, but two years after the president. Peru elects its president by a direct popular vote for four years, and he is made ineligible for the next four years. Two vice-presidents are elected. Bolivia has the same provision as Peru. In Chili the president is elected by delegates chosen by the people for the term of five years, and is made ineligible for the next term. The Argentine Republic elects its president by electors chosen by the fourteen provinces for six years, and both the president and vice-president are declared ineligible for re-election. In Uruguay the president is elected for four years, and made ineligible for the

succeeding term. In Paraguay the president is chosen by a direct vote of the people for four years, and both president and vice-president are non-eligible for eight years. Brazil, the last of these countries to assume a republican form of government, and profiting by the experience of its neighbors, provided for the election of its president by a direct vote of the people for four years, and made him ineligible for re-election. Its constitution also contains a provision that the candidates must not be related by blood or marriage to the outgoing president or vice-president in the first or second degree. In Venezuela the choice of the chief executive is somewhat complicated. Congress consists of two houses, the representatives being elected for two years by the people, and the senators for four years by the State legislatures. A federal council of nineteen members is chosen every two years by the Congress, who elect a presiding officer from their own number; and he is president of the republic for the two years. Neither the president nor council can be re-elected for the next term.

When these countries declared their independence and first essayed the practice of republican government, they soon found that the greatest danger to their institutions arose from the disposition of the chief executives to prolong their power by continuance in office, in violation of the constitutional provision. Iturbide, the first president of Mexico, betrayed his trust, declared himself emperor, and dissolved the Congress by force, precipitating the country into revolution, and paying the penalty with his life.

Simon Bolivar, the most renowned of the Spanish-American patriots and the one who did the most to achieve the independence of the South American countries, marked his entire career by overriding their constitutional provisions as to the executive and by assuming dictatorial powers. As early as 1813 he captured Caracas from the Spaniards, and set up the government of Venezuela; but he at once declared himself dictator, established a court and body-guard, and assumed royal dignities. He soon became unpopular, met with reverses, and had to flee the country. Returning after some years, he led the insurrectionary movement which gave final independence to Venezuela and Colombia, and thence went to the aid of the struggling Peruvian patriots, achieved their independence, and was made dictator of that country. Having failed in his effort to secure a provision in the constitution making himself president for life, he returned to Colombia, where

he was chosen president of the United States of Colombia and Venezuela. Seeking in vain to secure a constitutional provision giving him practically absolute power, he declared himself dictator. Being suspected of desiring to make himself a king, he lost his popularity, was driven from power, and died in retirement. He was called "the Washington of South America"; but, beyond his gallant services in securing the independence of the northern States of South America, he had little in common with Washington in his conduct or character. The example of the latter was lost upon him, when he rejected the offer of the American army to make him king, and when, after having enjoyed the free suffrages of his countrymen as president, he voluntarily laid down the great office and retired to private life.

If the history of the Latin-American republics is carefully examined, it will be seen that the cause of most of the revolutions which have darkened its pages, decimated their population, and retarded their development, has had its origin in the efforts of the public men of those countries to continue themselves in power or to attain the presidency by other than peaceful and constitutional methods. With rare exceptions the revolutions and bloody contests of these republics for the past three-quarters of a century have been purely of a personal character,— the struggles of the partisans of one aspiring individual against the partisans of his ambitious opponent. One of the most notable exceptions was the war of reform waged in Mexico for ten years, beginning in 1857, by the liberal party against the united power of the clergy and the Emperor Napoleon. That was a heroic war, involving great principles of government.

I can probably best illustrate the historical fact of this personal cause of revolutions by a very brief sketch of the experience of two of these republics,— one the most revolutionary, and the other one of the most conservative and prosperous, of the Spanish-American countries.

Venezuela, on its separation from Colombia in 1831, chose Paez president. He filled out his term, and in 1835 sought by his official influence to transfer the presidency to Vargas, who was very unpopular, and within four months was overthrown and banished. Paez came from retirement, gathered an army, took the capital, reinstated Vargas, and, ultimately succeeding him, was made dictator. In 1847 he transferred the presidency, against

the protest of Congress, to Monagas, who caused his soldiers to invade the assembly, killing some and dispersing the rest. Paez finally took up arms against the government, but was outlawed, defeated, and escaped to New York. In the election to succeed Monagas, three candidates were in the field; and, as none had the constitutional majority, the election went to Congress, and Monagas's brother, Gregorio, was selected, but until 1858 the two brothers alternated in the presidency. In that year their career ended by a revolution, which created a provisional government that brought in Castro as president; but his was a turbulent reign, and he was displaced by Gual, who tried and convicted Castro as a traitor, and then pardoned him. Tovar succeeded by election to the presidency, and he recalled Paez, and made him commander-in-chief of the army; but the latter quarrelled with Tovar, compelled him to abdicate, and placed Gual again in the presidency. Gual likewise lost the favor of Paez. The president and his ministers were imprisoned, and Paez was declared dictator. Revolution and anarchy followed for two years, when Paez and his partisan, Rojas, had to surrender the government to the insurgents under Falcon in 1863. A constituent assembly and a new constitution followed in 1864, and Falcon, the insurgent leader, was declared president; and he turned the government over to his partisan, Trias, which occasioned a new revolution, and general anarchy and financial distress prevailed. In 1867 Congress gave unlimited powers to the president; but the next year Monagas, after defeating Falcon, succeeded to the presidency, and died in office. His adherents made Pulgar provisional president; but the Falcon party, led by General Guzman Blanco, were enabled to overturn the provisional government, and Blanco entered upon his checkered career, covering several years, in which he assumed dictatorial powers, to be at last rejected by his country. And he spent the last years of his life in Paris, enjoying luxurious ease with his ill-gotten fortune. He was followed by a list of constitutional and revolutionary rulers, in turn, up to the actual president Castro, who came to power through force and betrayal of his chief.

Let us turn from this dismal narrative to a less dreary story, but one which illustrates as well the point which I am seeking to make clear to my hearers. Chili has had from the beginning of its existence a more fortunate career, in that its wealthy and more intelligent citizens have usually controlled the government; and, as a

result, it has prospered, and its financial credit has led all the other States. But it will be seen that, when private animosities or personal ambitions were awakened, constitutional provisions were of little avail. After Chilian independence was secured, General O'Higgins was called to the head of the government and became dictator; but he was finally driven from power by a revolution, and Freire was chosen president in 1823. He remained in office three years, but was troubled with frequent insurrections; and the four years following his retirement saw six dictators. In 1828 a new constitution was promulgated, and in 1831 Prieto was chosen president; and from that date for many years a constitutional form of government was enjoyed, although defeated candidates for the presidency more than once organized unsuccessful revolutions on the ground that they had been defrauded in the elections. In 1890, near the close of Balmaceda's term, he was suspected of selecting the chief of his cabinet to be his successor. This choice was contrary to the wishes of the majority of the Congress, which body refused to vote the budget appropriations; and Balmaceda retaliated by dissolving Congress. The leaders of the latter went on board the government fleet, which pronounced in favor of the Congressional party; and thus a revolution was inaugurated, which resulted in the overthrow of Balmaceda. One of its evil effects was to bring about complications with the United States, nearly ending in war, and which have imbittered the Chilians strongly against our government.

The record of all the Latin-American republics has not been as bad as that of Venezuela, though some of them equal it in their history of anarchy and misrule; and few, if any, of them have even as clear a record as that of Chili. But they all teach the same lesson of inability to respect the constitutional provision as to the executive power, when a fierce electoral campaign is carried on. Such a test as came to the Congress of the United States following the Jefferson-Adams campaign of 1800, the Jackson-Adams-Crawford-Clay campaign of 1824, or the Hayes-Tilden campaign of 1876, would almost inevitably bring about a revolution or a disregard of the constitution in any of the Latin-American States.

The experience of the past year demonstrates the lesson of their history. We have been reading the almost daily reports of the revolutionary movements in Venezuela and Colombia. The disorders in Venezuela had their origin in the election about three

years ago, when Andrade was declared to be chosen president over his competitor Hernandez. The latter contended that he was the real choice; and his partisan, General Castro, took up arms to place his candidate in the executive chair. Castro defeated the government forces, and drove Andrade from the country; but, in place of installing Hernandez in power, Castro imprisoned him, and declared himself president. Hernandez succeeded in escaping, and both he and Andrade are now reported to be seeking to drive the usurper from power; but, even if Castro is displaced, the two claimants will still have their own contest to settle. A late telegram states that a constitutional convention has been convoked by Castro, and that this body will frame a new constitution with an article extending the president's term of office from two to seven years.

President McKinley, in his last annual message, stated that "the executive power of Colombia changed hands in August last by the act of Vice-President Marroquin in assuming the reins of government during the absence of President San Clemente from the capital." This gave rise to armed resistance; and we have had for months the periodical announcement that the revolution had been put down, only to break out again with refreshed vigor. The diplomatic representative of the revolutionists recently announced from New York that "the liberals will never consent to serve again under a president forced upon the people by the conservatives." The New York *Independent*, in seeking to give its readers an account of affairs, says: "The revolution in Colombia that was said to be put down some months ago is alive again and wide-spread. It is a most remarkable fact that this revolution has caused the loss of thousands upon thousands of lives, and yet no one seems to know anything about it. Cities are taken and retaken, generals are killed, neighboring republics are accused of helping the insurgents, business is paralyzed, towns are razed to the ground; and yet there seems to be no principle involved nor wrong to be redressed by either party's victory."

I have noticed the provision of the constitution of Brazil, one of the most recent, which, in addition to the prohibition of re-election, makes ineligible to the presidency candidates related by blood or marriage to the outgoing president in the first or second degree. This is intended to strike at an evil akin to the continuance in power of the incumbent, — the perpetuation of the same family

influence in the executive office. We have seen that in Venezuela two brothers alternated for some years in the presidency, until overthrown by revolution. Two of these republics are to-day governed by the same family, one president making way at the end of his term for another member of the family,

Owing to the sad experience of the past, the Latin-American States have, as we have seen, with a great degree of unanimity attempted to remedy the evil by inserting in their constitutions a prohibition against the re-election of the chief executive. But that has proved in many cases a most ineffectual remedy, because the men who are ready to resort to arms to secure what they claim as their rights seldom hesitate to disregard the constitution, or else find means to amend it to suit the exigency.

I have referred to the fact that one of the exceptions in existing constitutional prohibitions of re-election is to be found in the fundamental code of Mexico. The circumstances which have brought this about are peculiar and interesting. The constitution of 1857, still in force, contained no such prohibition. General Porfirio Diaz was twice a candidate for president against Juarez; and he claimed that he was the people's choice, but had been counted out by the administration officials who had control of the elections. Lerdo, the head of the cabinet, became president upon the death of Juarez; and when the time approached for the election, upon the expiration of Lerdo's term, Diaz announced to the country that it was useless to stand as a candidate because of the absolute control of the electoral college by the government. He, therefore, issued a pronunciamento declaring for an amendment of the constitution; and with the cry of "No re-election!" he organized a revolution, which was successful. Lerdo and his cabinet fled to the United States. Diaz assumed the presidency, ordered a new election, and was unanimously chosen. The constitution was in due course amended so as to prohibit the re-election of the president until four years after his first term had expired. At the end of his term, Diaz was retired from office; and his favorite general was elected his successor. The latter proved so inefficient and dishonest that at the end of his term all classes clamored for the return of Diaz, whose first administration had been quite a successful one. His second term was even more successful than the first. Peace and security prevailed throughout the land. Commerce, agriculture, mining, every industry of the

country, prospered as never before. Railroads were built, capital began to flow in from abroad, the government credit, which had been utterly discredited for nearly half a century, was fully re-established. No one would listen to his retirement; and so the prohibiting amendment was stricken out of the constitution, and Diaz was again chosen president. And he has again and again been re-elected without any open protest, and for a quarter of a century he has been the untrammelled ruler of Mexico. Every one conversant with the history of that country concedes that he is the best ruler it has had since the independence. He has given it peace, order, and the reign of law. It has risen phœnix-like from the ashes of anarchy and commercial death, and the praises of Diaz as an administrator and a patriot are sounded at home and abroad.

But what becomes of the principles of republican government? Diaz, through his strength of character and wise government, has been the supreme ruler, although acting through the channels of constitutional authority and representative institutions. This example may raise the doubt whether republicanism in its extreme form is adapted to these countries, or whether some limitations should not be placed upon it. The present is probably Diaz's last term, as he is now past seventy; and I believe he is sincere in his expressed desire to retire to private life. The test of republican government will come when his successors are to be chosen. Not the first, but probably the second, term will test the ability of the Mexicans to choose their rulers in peace and observe republican practices. Mexico, like its southern neighbors, has not yet fully proven its capacity to consistently follow these practices, and to peacefully and by constitutional methods transmit the executive power from one ruler to another.

How far the people of these countries are fitted to carry on republican and representative government in our sense opens up a topic which cannot be pursued in this paper, but I offer a few suggestions by way of explanation of the apparent failure in many of them. First, the great mass of their populations are ignorant and uneducated. In many of the countries they do not even read and write the official language of their governments, and, as a rule, take no part in the elections. They, however, compose in the main the armies of the government and the revolutions. Second, the people of these countries, both the educated and the unedu-

cated, had no experience in self-government before their independence. In this respect the British-American colonies had a great advantage over them, and we should be charitable in our criticism of them. The misfortune is, however, that they have had very little practice in genuine republican government since their independence. They understand the force of the bullet much more than the ballot. The result has been the rule of the dictator or usurper more often than that of the real representative of the people. The intelligent men, the best citizens, and the property holders deplore the revolutions, and they are exerting themselves to put an end to these practices; and their good work is apparent in some of the countries, and I think the general tendency is toward orderly and constitutional government.

This subject has a special interest for the people of the United States. First, it raises the question how far it is the duty of our government to interpose respecting an American republic, which has fallen into anarchy, against the encroachments of European powers whose subjects have suffered outrages at the hands of the local military powers. I fully sympathize with the Cleveland administration in its action on the Venezuelan boundary question, but many Americans thought it would have been better for the interests directly concerned if all the territory in dispute had fallen under British sovereignty.

Second, we are often embarrassed as a nation by these frequent revolutions. I have noted how near we came to war with Chili because of its disturbed condition and the enmity engendered by the action of our government. We have commerce with all these countries, many of our citizens have invested capital therein; and these interests cannot fail to be injured by the civil disorder occasioned by the strife of ambitious men. Does any one believe that our government could look on with indifference if our next-door neighbor, Mexico, should again fall into anarchy, as at frequent intervals in the past, and the millions of American capital which have been attracted thither by the beneficent rule of Diaz should become the prey of revolutionists and rival aspirants for the presidency?

Third, the Spanish War has made the subject a practical problem for us. The territory which we took from Mexico was soon overrun by Americans, and its government was readily adapted to our system. But Porto Rico is already densely populated with

people educated in Spanish-American methods of government. We have already had an exhibition of the embarrassments to be overcome. In the first election held under the Territorial organization provided by Congress a practice was resorted to very common in the Latin-American republics,— when one party finds itself outnumbered or outwitted in the campaign, it abstains in a body from the election, and then cries, Fraud! or, Force! We read that in the late election in Porto Rico for the Territorial legislature and other offices, the one party, the Federals, refused to go to the polls, and the Republicans as a consequence elected all their candidates; but, in celebrating the victory, they were attacked by the Federals, and several were killed and wounded in the affray.

We have by act of Congress become responsible for the establishment and maintenance of a stable government in Cuba. The history of their brethren of the same race in Central and South America does not give much assurance that the Cubans will soon attain the position required by Congress. The first step in that direction which is foreshadowed — the election to the presidency of a professional revolutionist born and educated in San Domingo — does not argue well for the future.

This review, it must be confessed, does not present a cheerful outlook for the friends and admirers of republican government; but for the citizens of the United States at least it suggests a solace. It is a consolation to us to know that the men who laid the foundations of our government, and have thus far conducted its affairs, have appreciated the value of peace and the superior merits of the ballot over the bayonet; that we had a Washington, not a Bolivar nor an Iturbide, to put the government in motion; and that the Constitution has been held as too sacred an instrument to be made the sport of ambitious rivals for the presidency.

4. THE UNITED STATES DOCTRINE OF CITIZENSHIP AND EXPATRIATION.

BY HON. OSCAR S. STRAUS, LL.D.

[Read Tuesday evening, April 16.]

When the normal relations between nations were those of belligerency, the principle underlying those relations was the predominance of might and self-interest. As this attitude changed and gradually developed with the advance of civilization into the desire on the part of nations to maintain peace with one another, so did the relations change from normal belligerency to normal amity and friendship. In the earlier stages of this development the foreigner had no rights: he was regarded as a slave; his property on the slightest pretext was plundered or confiscated;* piracy was an important and legalized branch of international commerce, the dangers of which could be avoided by paying in advance to the would-be pirate the stipulated and often regulated tribute, which tribute or tariff was regarded very much in the light of marine insurance.

If we bear in mind that the development to which we have referred has by no means reached its final stages, but that distinct signs of arrested growth in varying degrees are not only traceable, but clearly evident, in many of the principles as expounded by the leading authorities on international law, we shall be better able to harmonize, as well as distinguish between, the abstract principles laid down by the text-writers, and the specific cases adjusted by diplomatic negotiations. This development also marks the stages of evolution of international relations from a policy based upon predominant might and self-interest to the recognition of reciprocal obligations based upon equal sovereignty and the principles of justice, as between civilized nations. As the individuals composing a nation became more enlightened and imbued with a sense of right and justice, so the governments which ultimately reflect public opinion shaped their political and executive

* Walker's Science of International Law, pp. 214–217.

relations toward each other by their laws, by treaties and conventions, so as to avoid international differences and prevent those double-edged controversies which arise out of the conflict of sovereignty and are the fruitful causes of war.

Among the questions coming under this head, none are of more frequent occurrence than those growing out of the conflicting claims of sovereignty and allegiance made by nations respecting their subjects.* The chief source of conflict arises when a person born in one country emigrates and becomes naturalized in the country of his adoption, and afterward returns to the country of his birth.

The evolution and revolutions which brought about the overthrow of feudalism as a State system have not entirely obliterated many of the precedents that system engendered. In European countries, it has left as a prerogative of early monarchical claims, the idea of perpetual allegiance transferred from the liege lord to the State, except in so far as these ideas had to yield to the conflicting claims of sovereignty, which are chiefly embodied in the reciprocal clauses of naturalization treaties. The feudal doctrines have never found root in this country: "The government of the United States commenced with successful revolution. It was organized on the hypothesis of allowing the largest range to individual volition compatible with public safety. The people of the United States are composed of emigrants from Europe, most of whom expatriated themselves in order to escape from oppression, or, if you please, legal impediments to personal action in the countries of their birth, and many of whom were the actors and the victims of revolutions or of civil wars. . . . The doctrine of absolute and perpetual allegiance — the root of the denial of any right of emigration — is inadmissible in the United States. It was a matter involved in and settled for us by the Revolution which founded the American Union." †

It has been claimed, even by some of our leading jurists of former years, that, as we adopted the common law of England as it existed at the time of our separation, therefore we adopted the common-law doctrine of indissoluble allegiance. "But there are

* "Subject and citizen are, in a degree, convertible terms as applied to natives, and, though the term *citizen* seems to be appropriate to republican freemen, yet we are equally with the inhabitants of all other countries subjects, for we are equally bound by allegiance and subjection to the government and law of the land." 2 Kent Com., 6th ed., 258, note.

† Foreign Relations, 1873, Part II., 1353–1365, opinion of Caleb Cushing, Attorney-general.

two sufficient answers to this course of reasoning: the common law of England is not the international law of the world; and we have inherited and adopted the common law of England only in so far as its provisions and its reasoning are adapted to our new situation and our political institutions. Therefore, the common-law doctrine of indestructible allegiance is not a part of the system of American law any more than it is of the international law." *

The United States has led the way in the overthrow of the feudal doctrine of perpetual allegiance. The executive branch of the government has from the earliest times consistently upheld the right of expatriation and opposed the doctrine of indissoluble allegiance. In 1793 Mr. Jefferson, then Secretary of State, in a letter to Mr. Morris, says: "Our citizens are certainly free to divest themselves of that character by emigrating, and other acts manifesting their intention, and may then become the subjects of another power, and free to do whatever the subjects of that power may do." Again, in 1794, Mr. Randolph, Secretary of State, relative to the alleged expatriation of one Captain Talbot, said, "I cannot doubt that Captain Talbot has taken an oath to the French Republic, and at the same time I acknowledge my belief that no law of any of the States prohibits expatriation."

A further proof of our consistent adherence to the right of expatriation is found in the fact that the United States has never passed any law restraining their own citizens, native or naturalized, from leaving the country and forming political relations elsewhere.† Besides, the naturalization laws of the United States are inconsistent with this doctrine, as they require an alien who is to be naturalized to abjure his former allegiance without taking cognizance whether his sovereign of origin has released him.

I have appended an abstract of various laws of the United States upon naturalization, beginning with 1790. While in all of

* Report of George H. Yeaman, United States minister to Denmark, Diplomatic Correspondence, 1867, Part I., 674.

"Obviously, when the Constitution deals with common-law phraseology, the language should be read in the light of the common law; but, when the question arises as to what constitutes citizenship of the nation, involving as it does international relations, and political as distinguished from civil status, international principles must be considered, and, unless the municipal law of England appears to have been affirmatively accepted, it cannot be allowed to control in the matter of construction. Nationality is essentially a political idea, and belongs to the sphere of public law." United States *v.* Wong Kim Ark, 169 U. S. Rep. 707 (1898).

† Webster, Secretary of State, to Mr. Thompson, July 8, 1841. Wharton's International Law Digest, vol. ii. p. 310.

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them the right of expatriation is implied, that implication was recognized by express enactment, by the Act of July 27, 1868, whose preamble reads: "Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle this government has freely received emigrants from all nations, and invested them with the rights of citizenship," etc.*

Our foreign relations are replete with cases wherein we have consistently urged and generally upheld the doctrine of the inherent right of expatriation. The insistence upon this right brought us into war with England in 1812, and again in 1848 came near bringing us into hostile collision with Austria, arising out of the case of Martin Koszta. In the Koszta case the peculiar circumstances and the summary manner in which Martin Koszta was seized or rather kidnapped by the Austrian authorities in neutral territory, provoked, if they did not entirely justify, the extreme claim of protection by the United States. The case is commented upon in all the text-books. Martin Koszta was a Hungarian insurgent of 1848–49. He escaped to Turkey, and from there went to the United States, and in 1852 made the usual declaration preparatory to being naturalized under our laws. In 1854 he returned to Turkey. At Smyrna he was by the order of the Austrian consul seized while on shore and thrown into the water, taken up by the crew of the "Hussar," an Austrian frigate, and put into irons. Before the boat got under way, an American frigate arrived, and threatened to sink the Austrian vessel unless Koszta was released. This led to an arrangement by which he was put under the custody of the French consul-general until the governments should come to an understanding. The Turkish authorities had refused to allow his arrest; and Austria, it seems, subsequently claimed she had a right to do so under the capitulations. I have examined these capitulations, but do not find a basis for such a claim. I advert to this point, which I find referred to in the correspondence, but not by the text-writers in their discussion of the case. This fact doubtless influenced Mr. Marcy, the Secretary of State, to expand the doctrine of protection so as to include inchoate citizenship under exceptional circumstances. Besides, as Secretary Marcy correctly emphasized, Koszta had

* See Appendix, "Naturalization."

been banished by Austria, and that banishment, under the law of nations, operates as a release of allegiance. So in any event Austria was estopped by her own act. That this is the fact is borne out by the action of Secretary Marcy in the case of Simon Tousig, who had also filed his declaration to become an American citizen. On returning to Austria, Tousig was arrested for the same cause, — participation in the Hungarian insurrection. Mr. Marcy refused to interfere, and stated, "Every nation, whenever the laws are violated by any owing obedience to them, whether he be a citizen or a stranger, has a right to inflict the penalties incurred upon the transgressor, if found within its jurisdiction."

England, while freely allowing liberty of emigration, held to the principle of indelible allegiance until 1870. Her former attitude was neither logical nor consistent, in that she did not follow her emigrants to other countries with English protection, but claimed the right of their allegiance whenever she chose to demand it. So long as they remained in a foreign country, they were held to their foreign claim of allegiance, and estopped from asking British protection; yet, when they returned to England, the claim of their foreign allegiance was not admitted. The causes that brought on the War of 1812 afford a striking illustration of the conflict of sovereignty arising out of opposing doctrines maintained by two nations on the question of expatriation. So long as these opposing doctrines were insisted upon, all efforts to arrive at a peaceful arrangement proved futile.* In 1807 the king issued a proclamation containing the following passage: —

"Now we do hereby warn all such mariners, seafaring men, and others, our natural-born subjects, that no such letters of naturalization or certificates of citizenship do or can in any manner divest our natural-born subjects of the allegiance or in any degree alter the duty which they owe to us, their lawful sovereign."

In 1809 Mr. Smith, the American Secretary of State, in a despatch to Mr. Pickney, our minister to the Court of St. James, announcing the refusal of the President to accord further official intercourse with Mr. Jackson, the British representative, whose negotiations his government had disavowed, states, "What possible consideration could have induced the British government to expect that the United States would admit a principle that would

* These negotiations are detailed in the Appendix to the Report of the British Royal Commissioners on the Laws of Naturalization and Allegiance (1869).

deprive our naturalized citizens of the legal privileges which they hold in common with their native fellow-citizens?"

Englishmen naturalized in the United States were impressed from on board American vessels for service in the English navy. President Monroe, in his inaugural address on March 4, 1823, refers to this attitude of England. He said: "They have refused to consider as prisoners of war and threaten to punish as traitors and deserters persons emigrating without restraint to the United States, incorporated by naturalization into our political family, and fighting under the authority of their adopted country in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government which is in the practice of naturalizing by thousands citizens of other countries, and not only of permitting, but compelling them to fight its battles against their native country."

Mr. Monroe, in the instructions to the American commissioners for negotiating the treaty of Ghent (15th of April, 1814), says: "It is contended by some, . . . by naturalizing a foreigner, no State can absolve him from the obligation which he owes to his former government, and that he becomes a citizen in a qualified sense only. This doctrine, if true in any case, is less applicable to the United States than to any other power. Expatriation seems to be a natural right; and by the original character of our institutions, founded by compact on principle, and particularly by the unqualified investment of the adopted citizen with the full rights of the native, all that the United States could do to place him on the same footing has been done."

I cite these opinions, out of many of a like nature, as showing the divergent positions taken by England and the United States upon this subject. The Prince Regent in the proclamation issued the 24th of July, 1814, recalling and prohibiting natural-born subjects of His Majesty from serving in the ships and armies of the United States, entirely disregarded American naturalization, and gave notice to those who remained in the service that they would be treated as guilty of high treason. Of course this extreme position was due to the existence of war between the two countries, and was regarded as a war measure.

In the negotiations which terminated in the treaty of Ghent the commissioners did their utmost to incorporate the claims of their respective governments as to expatriation and perpetual allegiance;

but it was found the divergent positions under their instructions could not be harmonized. So that question was dropped, the United States commissioners stating, "The causes of war between the United States and Great Britain having disappeared by the maritime pacification of Europe, the government of the United States did not desire to continue it in defence of abstract principles which have for the present ceased to have any practical effect." * Yet on examination of this treaty it will be seen that Article III. provides for the restoration of all prisoners of war. This was by implication an abandonment of the extreme position taken by the Prince Regent above referred to, and to that extent a recognition of the American doctrine of expatriation. With the abandoning by Great Britain of impressment as a means of manning the navy, the causes of possible collision upon this question were removed. From time to time the United States made advances to open negotiations with Great Britain upon the subject of expatriation; but successive English governments, though they abandoned in practice the claim of perpetual allegiance, refused to come to a definite understanding on the question. In 1842 Lord Ashburton was sent on a special mission to the United States, authorized to negotiate for the settlement of all existing differences between the two countries. Mr. Webster, availing himself of this opportunity, addressed a note to him for the purpose of coming to an arrangement upon these questions, setting out the efforts in that direction that had been made by the United States for the past fifty years. Lord Ashburton, however, put the negotiations aside, stating that his instructions limited him to existing subjects of differences. He said: "I am well aware that the laws of our two countries maintain opposite principles respecting allegiance to the sovereign. America, receiving every year by thousands the emigrants of Europe, maintains the doctrines suitable to her condition, of the right of transferring allegiance at will. The laws of Great Britain have at all times maintained the opposite doctrine."

Diplomatic conflicts with England and other countries, arising out of this question of allegiance and expatriation, continually presented themselves. In 1848, during the Irish disturbances of that year, Mr. Bergen, a native American, and a Mr. Ryan, an Irishman, naturalized in America, were arrested on suspicion of treason.

* Royal Commissioners' Report, p. 37.

Mr. Bancroft, our minister to England, remonstrated against the treatment of the arrested persons as subjects of Great Britain. Lord Palmerston in his answer upheld the traditional view of perpetual allegiance. Mr. Buchanan instructed Mr. Bancroft, "Whenever the occasion may require it, you will resist the British doctrine of perpetual allegiance, and maintain the American principle, that British native-born subjects after they have been naturalized under our laws are to all intents and purposes as much American citizens and entitled to the same degree of protection as though they had been born in the United States." While these conflicting views were expressed, the negotiations resulted in the liberation of Bergen and Ryan on condition of their leaving the kingdom.*

In 1859 Mr. Cass, Secretary of State, in his instruction to Mr. Wright, our minister to Prussia, respecting the protection of our naturalized citizens of Prussian origin who on their return were arrested under the regulations for enlistment and laws against expatriation, said: "The moment a foreigner becomes naturalized, his allegiance to his native country becomes severed forever. He experiences a new political birth. A broad and impassable line separates him from his native country. He is no more responsible for anything he may say or do, or omit to say or do, after assuming his new character, than if he had been born in the United States. Should he return to his native country, he returns as an American citizen, and in no other character. In order to entitle his original government to punish him for an offence, this must have been committed while he was a subject and owed allegiance to that government. . . . A future liability to serve in the army will not be sufficient, because before that time can arrive for such service he has changed his allegiance and became a citizen of the United States." He then distinguishes between the cases in question and those where the person had been drafted or had actually deserted prior to his emigration.†

Another important case that came up at this time was that of Christian Ernst. He was a native of Hanover, and emigrated to this country in 1851, when he was about nineteen years of age. In February, 1859, he was naturalized; and in March, after procuring a passport, he went back to Hanover on a temporary visit.

* Royal Commissioners' Report, p. 40.

† United States Senate Documents, 1858–60, vol. ii. p. 1364; Report on Expatriation and Naturalization, For. Rel. 1837, ii., 1295.

He had been about three weeks in the village where he was born, when he was arrested, carried to the nearest military station, and forced into the Hanoverian army. Upon this state of facts Mr. Caleb Cushing, the Attorney-General, said: "I know that the common law of England denies it [the right of expatriation]; that the judicial decisions of that country are opposed to it; and that some of our courts, misled by British authority, have expressed, though not very decisively, the same opinion. But all this is very far from settling the question. The municipal code of England is not one of the sources from which we derive our knowledge of international law. We take it from natural reason and from the practice of civilized nations. All these are opposed to the doctrine of perpetual allegiance. It is too injurious to the general interests of mankind to be tolerated. Justice denies that men should either be confined to their native soil or driven away from it against their will. Expatriation includes not only emigration out of one's native country, but *naturalization* in the country adopted as a future residence." *

The next class of cases which brought this question to the foreground in our diplomacy were those arising out of the Fenian arrests and the suspension of the Habeas Corpus Act in Ireland in 1866.† These cases and those with Prussia above cited gave rise to political agitation which stimulated Congress to place our policy regarding the protection of our naturalized citizens in foreign countries and our doctrine regarding the right of expatriation into a definite enactment, so that there might no longer be doubt as to our position, or any question respecting a conflict between the decisions of the courts and the executive branch of the government. This Act of Congress of the 27th of July, 1868, the preamble of which we have already quoted, declared the principles upon which the naturalization laws of the United States have always rested, and gave legislative sanction to the doctrine uniformly held by the executive and political branches of the government. It enacted (Sect. 2) "that all naturalized citizens of the United States, while in foreign States, shall be entitled to and shall receive from this government the same protection of person and property that is accorded to native-born citizens in like situations and circumstances."

The foreign relations in all countries to a greater or less extent

* *Id.*, For. Rel. 1873, ii. 1203. † For. Rel. 1866.

are shaped by internal conditions; and, doubtless, this law which was enacted to win over foreign-born citizens to the support of the party in power, while entirely applicable for the protection of this class of citizens within the jurisdiction of the United States, has, in many instances, been found impracticable or impossible to enforce, where such foreign-born citizen has returned to the country of his birth. These latter cases have caused endless vexatious negotiations, at times almost imperilling the good relations of our country with other nations. The fact is, the same year this act was passed we concluded the first of our series of naturalization treaties, wherein we limited, save under exceptional circumstances, the period of protection of naturalized citizens to two years after their return to and residence in the country of their origin. And yet the United States goes further in the protection of its naturalized citizens even under these circumstances than all other countries. Great Britain, while freely according naturalization, has relieved herself from protecting its foreign-born subjects on their return to the country of their origin.*

We have treaties of naturalization with the following countries: Austria-Hungary, Baden, Bavaria, Belgium, Denmark, Ecuador, Great Britain, Hesse-Darmstadt, the North German Union, Sweden, Norway, and Würtemberg.

These treaties have had a restraining, as well as an eliminating effect. They restrain such immigrants who seek our naturalization with the purpose of returning to the country of their origin, and there claiming the protection of our laws; they produce an eliminating effect in relieving our country, with certain exceptions, from protection of naturalized citizens on their return to their country of origin after a residence therein of two years or more.

The Act of 1868, in reference to such countries with which we have treaties of naturalization, is modified by the two-year clause; but with such countries as Turkey, Russia, France, and Mexico,† with the other republics of this hemisphere, with which we have as yet no treaty of naturalization, continual conflicts arise, which are aggravated, in times of revolution or other domestic troubles in

* The Naturalization Act, 1870, §7, Subdivision 3: "An alien to whom a certificate of naturalization is granted . . . shall not, when within the limits of the foreign State of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that State in pursuance of the laws thereof or in pursuance of a treaty to that effect."

† The naturalization treaty concluded with Mexico in 1868 was terminated upon notice given by Mexico in 1882.

such countries, by the return of their former subjects, who come back clothed with American naturalization. A large part of the time of our State department and our diplomatic agents is taken up with this class of cases, which often develop so as to menace our friendly relations.

My purpose in presenting this subject has not been to merely discuss a very important question of international law, which has for many years, in its infinite varying phases, occupied, and continues more and more to occupy, the executive branch of our government, and its diplomatic agents in foreign countries; but to show the advisability, if not the imperative duty of our law-makers, to modify our laws regarding naturalization in respect to that special class of our naturalized citizens who are a constant menace to our friendly relations with other nations. I refer to that class whose citizenship, though regular in form, but in the light of intent and purpose to which it is applied, is a fraud upon two countries,— our own and the country of their nativity,— "thus making the claim to American citizenship the pretext for avoiding duties to one country, while absence secures them from duties to the other."* From my experience in Turkey I feel justified in saying that a very large proportion of American naturalized citizens of Ottoman origin, who return to their country of origin, come under this class. The same is true to a lesser extent in other countries.

A survey of our diplomatic relations with Spain for the past fifty years will show to what extent our naturalized citizens of Cuban origin were responsible for the chronic state of insurrection fostered by filibustering expeditions from the United States, which eventually brought on our recent war with Spain.

Our relations with Mexico and with other American republics would be far less liable to vexatious differences, and would be more permanently friendly, but for the machinations of this same class of citizens, many of whom return to their country of origin to misuse their acquired citizenship, to exploit their native country, and to embroil the country of their nominal adoption.

Naturalization effected in the United States without any intent to permanently reside therein, but with a view of residing in another country, especially when such other country is the country of origin, and using such naturalization to evade duties and re-

* Secretary Fish, Opinions of the Heads of the Executive Departments relating to Expatriation, Naturalization, and Change of Allegiance, United States For. Rel. 1873.

sponsibilities that would otherwise attach to such person, should be treated by our government as fraudulent and as imposing no obligation upon it to protect such person. In practice the facts are not always apparent, as all kinds of subterfuges are used to conceal them. Many instances of this kind may be cited; and in some of these our country went to the verge of war in behalf of citizens who never had and could not have any feeling of loyalty to the United States, much less any knowledge or appreciation of our form of government. A case of this kind came near involving us in war with Ecuador; it occurred in 1885, and is known as the case of Julio R. Santos.* Santos was born in Ecuador, of Ecuadorian parents. He came to the United States, where he was naturalized, and afterwards returned to the country of his birth, where he was engaged in business for a period of six years, when he was arrested for complicity in the revolution of 1884, for which, together with other rebels, he was tried and convicted. Through the intercession of friends, resident citizens of the United States, the matter was brought before our government and was finally settled, but not until our contention was backed up by a man-of-war.

The reason why acquired citizenship has been and will continue to be more abused in the United States than in other countries is not because during the last hundred years the tide of emigration has been directed to our shores, but because naturalization in European countries is either not so easily acquired or is granted only with the consent of the native State. In such countries wherein naturalization is only granted with consent of the native State, restrictions are generally imposed by the native State as a condition for that consent; while, in such countries as come under the former classification, therein, as a rule, only a limited naturalization is accorded, which imposes no obligation to protection beyond the jurisdiction of the State granting such naturalization.†

I do not for a moment advocate an abridgment of the American doctrines of citizenship and expatriation which are so consonant with principles of personal liberty, but only so far as to eliminate a class of persons who, taking advantage of the broad

* For. Rel. 1886, pp. 224–297.

† For a summary of the laws of other countries upon Naturalization and Expatriation, see For. Rel. of the United States, 1873, pp. 1276–1293; Hall's International Law, pp. 231–236. See Appendix B, "Expatriation."

and generous provisions of our naturalization laws, do so not for the purpose of residing in the United States, nor with any intention to respond to the duties that citizenship in this country involves, but who return to their native country, and through their acquired citizenship seek to escape the burdens of their native allegiance. There are also those who, under the pretext of loyalty for their adopted country, commit treasonable acts in the country of their nativity, and thereby seek to involve the United States in the domestic turmoils and rebellions in their native country. This abuse is not eliminated by our naturalization treaties, it is circumscribed to an extent by the two-year clause in such treaties; but we have found that within the two years after the return of naturalized citizens to their native country, or during a residence claimed to be temporary, but in fact permanent, it often happens these citizens have been apprehended as participants in revolutions they have promoted while residing in the United States pending the acquiring of citizenship.

The dangers from this class of citizens have been largely augmented in recent years by the rapid means of travel on land and sea, together with the facilities of communication by telegraph, coupled with our natural world-wide sympathies for people struggling against oppression.

The Presidents of the United States in their annual messages since our Civil War, have again and again called attention to the unsatisfactory and defective condition of our laws. President Grant, in his annual message of 1875, referring to this special phase of the subject, says: "In other cases, naturalized citizens, immediately after naturalization, have returned to their native country, have become engaged in business, have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the country where they are residing, when at once they assert their citizenship and call upon the representatives of the government to aid them in their unjust pretensions. It is but just to all *bona fide* citizens that no doubt should exist in such questions, and that Congress should determine by enactment of law how expatriation may be accomplished and change of citizenship be established." *

President Cleveland, in his annual message of 1888, says:

* Richardson's "Messages and Papers of the Presidents," vol. vii. p. 347.

"The easy and unguarded manner in which certificates of American citizenship can now be obtained has induced a class, unfortunately large, to avail themselves of the opportunity to become absolved from allegiance to their native land, and yet by a foreign residence to escape any just duty and contribution of service to the country of their proposed adoption. Thus, while evading the duties of citizenship to the United States, they may make prompt claim for its national protection and demand its intervention in their behalf. International complications of a serious nature arise."*

As matters now stand, with the law of 1868, which provides that the same protection shall be accorded to naturalized as to native-born citizens in foreign countries, and in the absence of any laws defining by what voluntary acts or circumstances expatriation is effected, this class of questions, which if not the most important is certainly the most frequently occurring in our diplomacy, is largely left to haphazard and to varying circumstances for decision.

Secretary Fish, in an instruction to Mr. Washburn, our minister to France, refers to the difficulties surrounding such cases, and indicates a distinction that must necessarily be made between native-born and such naturalized citizens as have returned to the country of their birth with regard to when and whether they are entitled to the protection of our government. He says: "But, where a naturalized citizen returns to his native land to reside, the action of the treaty-making power above referred to would seem to require that such agents be jealous and scrutinizing when he seeks their intervention. Even in such case the purpose of not renouncing the adopted citizenship might be manifested and proven in various ways," etc.†

In other words, the executive department of our government, through force of circumstances, has found itself compelled to read an exception in the Act of 1868, and in certain cases to withhold its protection from naturalized citizens who have returned to their native country and concerning whom the circumstances justified the conclusion that they had abandoned their acquired citizenship; and, in every case where this conclusion has been arrived at, it has been done in contradiction to the person's demand for protection and to his pretension of not having abandoned his United States citizenship. In practice the application of these principles is

* *Id.*, vol. viii. p. 758. † For. Rel. 1873, p. 260.

difficult, and at times our government finds itself committed to the protection of persons for whom it would doubtless have declined to intervene, had all the circumstances come to its knowledge before any action had been taken; but, having once asserted its right to accord protection, and having been committed thereto by its agents, it is difficult without loss of national prestige to recede from its position.

The United States, in consonance with the spirit of personal liberty which underlies the fabric of its laws, has had a marked influence upon European powers in its maintenance of the right of expatriation and in inducing them to recede from the doctrine of perpetual allegiance. Therefore, all the more should it have a care to guard that right, and prevent it from being perverted and abused to the detriment of its *bona fide* citizens and to the jeopardy of its relations with other nations. Because from the beginning of our government we have encouraged immigration by liberal laws and freely endowed the emigrants and refugees from the Old World with a new national birth by investing them with the rights and privileges of American citizens, we should be the more jealous of the duties and obligations those privileges impose, by discouraging the immigration of such persons who come among us only to acquire our citizenship as a pretext for seeking our protection, when they have returned to permanently reside in the country of their birth.

There are several ways of reaching the desired result, either by adopting some such naturalization as obtains in Great Britain or by the passage of an amendment to the existing laws to the effect that the return of a naturalized citizen to the country of his nativity, except for a temporary stay or a brief visit, shall be presumptive evidence of the abandonment of his American citizenship. While this will not be a complete remedy, it will have the added effect of deterring the immigration of such persons as most abuse the high privileges of American citizenship and who are a continual menace to our friendly relations with other countries.

The inevitable consequences of our Spanish War, together with our keen competition for the markets of the world for our export trade, have involved us, for good or for ill, in the intricacies of the world's diplomacy, and expanded the scope of our foreign affairs. To understand and administer these enlarged interests, to guard and protect our rights, and at the same time to keep clear of

strained and interrupted relations and the many vexatious questions which, under the provocations of home politics and a sensational press, may, even when least expected, bring on the calamities of war, will demand the highest skill of our department of State, aided by the trained knowledge of experienced diplomatic agents. It is especially incumbent upon a powerful nation to be just. It can best afford to be generous. It can be so without being charged with weakness. It must often be firm and resolute. Such characteristics are as effective internationally as interpersonally. To be this and to do this, we must concede to others the same rights we demand for ourselves, and not invite quarrels from which we must often retreat, — quarrels, too, which are most apt to arise at times when nations are most susceptible to irritation, during periods of threatening or pending revolution or of actual war, when the obligations of neutrality are most difficult to maintain, notwithstanding the most watchful care on the part of governments.

APPENDIX.

NATURALIZATION.

Article 1, Section 8, of the Constitution of the United States, empowered Congress "to establish a uniform rule of naturalization."

In 1790 Congress legislated for the first time so as to provide for uniformity of naturalization under the Constitution. This law provided that any free white alien might be admitted to citizenship by any court of record of the State in which he had resided for one year, having been a resident of the United States two years.

The Act of 1795 required five years' residence and application three years prior to naturalization; that of 1798 required fourteen years' residence and application five years prior to naturalization.

By the Act of April 14, 1802, and which is the law now applicable, except as hereafter stated, a free white person may become a citizen by having declared an oath before a court of the United States, in any State or Territory, three years before his admission, that it was his *bona fide* intention to become a citizen, and renounce forever all foreign allegiance. The court must be satisfied that he has resided five years in the United States and one year within the State where the court is held, that he has behaved as a man of good moral character, and is attached to the principles of the Constitution. By this same act, minor children, whose parents had been naturalized citizens, and children of citizens that had been born out of the limits of the United States, were not to be deemed aliens.

By the Act of March 26, 1824, minors who shall have resided in the United States three years next before they are twenty-one years of age, after a residence of five years, including the three years of minority, may, without having made the previous declaration, be admitted to citizenship; and by the Act of Feb. 10, 1855, persons heretofore born or hereafter to be born out of the United States, whose fathers were or shall be at the time of their birth citizens of the United States, shall be deemed citizens, but the rights of citizenship shall not be deemed to descend to persons

whose fathers never resided in the United States. And a woman who might be naturalized under existing laws, who is married, or who shall be married to a citizen, shall be deemed a citizen.

By the Act of July 17, 1862, any alien of the age of twenty-one who has enlisted or shall enlist in the regular or volunteer forces of the United States, and has been or shall be honorably discharged, may be admitted a citizen on proof of only one year's residence in the United States previous to his application. By the Act of June 7, 1872, seamen who have declared their intention to become citizens, who subsequently have served three years on board of a merchant vessel of the United States, may be admitted to citizenship, and for all purposes of protection as an American citizen be deemed such after filing of his declaration of intention.

By the Act of July 14, 1869, the naturalization laws were extended to aliens of African nativity and to persons of African descent. By § 14, Chapter 126 of Laws of 1882, naturalization of Chinamen is prohibited.

The Fourteenth Amendment of the Constitution adopted in 1868, which was framed by the same Congress which passed the Civil Rights Act of 1866, "evidently thinking it unwise, and perhaps unsafe, for so important a declaration of rights to depend upon an ordinary act of legislation which may be repealed by any subsequent Congress,"* etc., provides: "All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside."

See Naturalization Laws of the United States, Revised Statutes, §§ 2163–2174.

Mr. McKelway. — I only want for a moment to ask the attention of the members of the Association and of our friends to a fact or two affected by a relation of importance to the events which the preceding speaker has brought out, or to some of those events. I was a correspondent in this city during the sessions of the Congress which passed this Act of 1868. I remember that an American representative, or, at least, a representative in the American Congress, from the city of Brooklyn, was very earnest in what he thought was attention to his duty at that time; and, coming out of the House towards the Senate one day, he asked a then vigorous — and still vigorous, but now venerable — correspondent here, "What is the Senate doing?" "Why," said the

* United States *v.* Wong Kim Ark, 169 U. S. Rep. 675.

correspondent, "it is attending to a few affairs of importance to the nation." "Well," said the honorable member, "that is of no interest to me. We are discussing the naturalization bill in the House, and I want you to understand that Ireland has the floor." That was the bill under consideration. The speaker was perfectly correct in saying it was passed for the purpose of influencing the votes of those who were regarded in interest as to the subject. He could also have extended the statement by saying that, inasmuch as it was passed with that motive, it received with tumultuous unanimity the vote of all the members of both parties in the House. There were here and there a few independents who hesitated, some of whom abstained [from voting; but men fell over one another in the House to vote for that bill, all of them with a desire to conciliate votes outside, a goodly percentage of them in the vain and frustrated hope that the Senate would be wiser than the more popular branch of the Congress.

Our honorable chairman, at the outset of his remarks, spoke about the abuses of naturalization. In his mind, as I may presume to have read it, it was not such an abuse as Mr. Straus has developed,— the abuse of making naturalization interconvertible with deviltry abroad,— but I think that in the speaker's mind was the abuse, real or supposed, of the facility of citizen-making in our courts. I believe that has been abused. It has been abused for a variety of reasons. In the first place, since the disappearance of the Know-nothing, or native American, party in our politics, both of the great political organizations which divide the suffrage of the people have felt in need of re-enforcements. Each has wrestled with the other for that object, each has made the best use of the facilities for naturalization presented to it; and, when one party at one congested political centre has drawn a larger percentage of gains from intending citizens than the other could be supposed to draw, as surely in some other congested political centre the opposing party possessed the same advantage. And thus against Democratic abuse you could not appeal to Republicanism for correction, and against Republican rapacity you could not appeal to Democratic action for redress, protest, or correction. It was the existence of a common appetite that destroyed the purposes for which parties exist in this country,— that one may be a flail for the back of the other, that the majority, from the moment it takes charge, may suffer a certain percentage of loss on account of the power of its opponent or the criticism of its behavior; and that little by little, by a paradox which is also a reciprocal play, a swaying back and forth of forces in our history may make victors at the outset begin to be losers, and losers at the beginning commence to be hopeful victors, in the way of American results at the polls.

But let us not be too hard upon this abuse of naturalization which the honorable chairman intimated in his opening. Two things stand out. Both parties now recognize that the abuse of the power of citizen-making does not pay. Both parties therefore abide by the law, which in our State, and I presume throughout the country, because I think it is a Federal law,— if not, I am open to enlightenment and information on that subject,— provides that there shall be no certificate of naturalization issued less than ninety days before the occurrence of the next ensuing election. That destroys the main motive; that reduces the incentive; that multiplies scrutiny. Secondarily, let us not be

too critical — and I come to closer ground — of the use which our *bona fide* naturalized citizens, naturalized in good faith, have made in late years of their suffrage, or at least let us not be too eulogistic of the use which some of our native-born citizens have made of their suffrage. I presume that a large majority of mankind and of the men here gathered believe now, in retrospect, that, on the whole, the national result in 1896 did well to go as it did, and that, had it gone the other way, it would not have been to the assured welfare of the country. I presume that a smaller percentage, but still a large moiety of our number, believe that the result of 1896 was very properly and very desirably repeated and indorsed in the verdict of 1900. Mr. Chairman, ladies and gentlemen, if there is any person here familiar with statistics, he will, I think, be able to assure you that about 54 per cent. of the voters born in the United States in 1896 voted for the result which did obtain, while the remaining votes were cast by a smaller percentage of our native born; but a much larger percentage of our naturalized citizens voted for the result that did obtain. It was in those States, in those cities, in those centres where our apprehension of a bad result or of a result which we did not approve was most acute that it came our way, and went against expectations and the traditional drift of preceding years; and it was in the New England States and Ohio, and Wisconsin to the farther West, that those unexpected gains occurred which alarmed and aroused and filled with apprehension so many breasts among us and among those on the outside in sympathy with us here.

I think we should commend Mr. Straus for laying before us in his clear, thoughtful way of research and of reasoning the next duty in our foreign relations which should devolve upon our government,— the duty of making naturalization mean something that, as I have said, shall not be interconvertible with deviltry; the duty of making the intent of naturalization important; the duty of having that intent signify a change of residence as well as a change of allegiance; and the duty of protecting our naturalized citizens who go abroad only in the same things and within the same limitations that we would protect the citizens of another country domiciled here, who would have the equal protection of our laws, and of whom would be exacted uniform obedience to our institutions and to our usages.

Mr. Chairman, for myself and on behalf of this whole audience, I desire to extend our sense of obligation to the speakers to whom we have listened to-day. This has been a red-letter day in the history of the jurisprudence section of the American Social Science Association. Certainly, that admirable paper this morning upon the great Livingston was so modest, so moderate, so refined, so statesmanlike, that we were all instructed, and as public men and public writers admonished and exampled by it. Certainly, the maintenance by Messrs. Foster and Straus, diplomatists and statesmen long in our public service, and certain in the operation of probabilities again to be in our public service, of the reservations which they showed should be instructive to us. It should be instructive in the sense of remembering that nearly all things can be said when skilfully advanced, when prudently proposed, when aptly regarded, and when preserved from the danger and the injustice and the assumption of sweeping statements. And did not Dr. Robinson take us not merely into those prehistoric times, but into an entirely new realm of academic thought? His

benevolent paternalism, in which men — I shall not say were to be coerced — were so constrained by public opinion that they must work whether they would or not, that they must be virtuous whether they were so inclined or not, seemed to us more like a novel than a reality. Did it not represent a State socialism, a dead levelling down, an extinguishment of capacity, a denial of the greater ability that men have over other men? And did it not suggest the difficulty of a division on a just and wholesome scale? But if agriculture is the basis, if that is the end-all and the be-all, it is a failure in the countries in which it now exists. I believe that the whole policy of China is based upon the paramount duty of dignifying agriculture, is based upon the fact that growing out of that a Chinaman shall make all that he needs, and shall make it all himself, and that, following from that, he shall trade with nobody else and shall go nowhere else. That has proved impossible. Some of them come this way, and some of our folk go that way; and this Boxer uprising has brought upon them lots of trouble and upon ourselves several problems. I think that the Dean will have to admit that what men shall do with governments is going to be the study and the object in this twentieth century, and not what shall governments do with men.

We are under obligation to Dr. Smith, to Messrs. Foster and Straus, and to all who have contributed papers to-day; and I volunteer, with, perhaps, a sympathetic, perhaps an arrogant sense of representing those present here to-night and this morning, and on behalf of the chairman, to say that we have had a red-letter day in the section on jurisprudence, and I hope that we shall find in the memory of this excellent day an incentive to equal and even to exceed it in the sessions to come.

The CHAIRMAN.— I am very much obliged to Dr. McKelway for giving the chair an opportunity to say that he had no knowledge of the subject of Mr. Straus's paper, but the Chairman does not desire to abate one jot from the emphasis which he gave to what he said. In the first place, I wish to say that the Presidential vote to which Dr. McKelway has alluded shows, simply, the difference between the Scandinavian and the Celtic vote. He may prefer an avalanche of Scandinavians, but we want a very small share of the Celtic vote.

Mr. MCKELWAY.— Mr. Chairman, the Germans and the Irish carried Greater New York for McKinley by 26,000 majority, and the State by 266,000.

The CHAIRMAN.— I merely want to remind Dr. McKelway of an anecdote told by our former President, Hon. Andrew D. White, who had just returned from a foreign mission, as illustrating and enforcing his view of the result of the naturalization which we have among us. He said that he was pursuing some historic investigations in a rather small but very intelligent German town. His landlady discovered, to her surprise, that he was an American; and he asked her the cause of her surprise, to which she replied that they thought all Americans must be very bad or very ignorant people, because the men and women from that part of the country, who had gone to America, were people whom they yearned to get rid of, and they were discovered occupying places of importance and emolument in the United States. Now that represents the conviction and impression of the Chairman.

II. DEPARTMENT OF HEALTH.

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1. HEALTH FADS OF TO-DAY.

BY GRACE PECKHAM MURRAY, M.D., OF NEW YORK CITY.

[Read Wednesday morning, April 17.]

The lexicographer tells us that "fad" is a word that has come recently into literary use, and that it signifies "a matter of no importance, or an important matter imperfectly understood, taken up and urged with more zeal than sense." Although the word has somewhat a flippant sound, there is no other, as you will see, that as well covers the subject under discussion.

Health fads may be divided into two great classes: those that concern the individual alone; and, secondly, those that concern the individual and the community as well. The health fads which pertain to the individual may affect only himself and do no harm, possibly good may result to him; but if, on the contrary, they injure his health, it is an injury to an integer of the community and so affects the people at large. The number of these fads are beyond counting, and relate to every department of life. They concern diet, clothing, and the personal and household hygiene. People realize, as never before, the importance of health. It means so much from every point of view that it is seldom out of mind; and, instead of reasoning the matter out in the common sense and practical way that one would his business or other affairs, he embraces every suggestion which he finds in the papers and magazines of to-day, which are incomplete if lacking a column on this subject.

Every kind of theory is advanced in relation to food. Some declare that, for the system to be properly nourished, everything should be subjected to the cooking processes for hours together; others say that food should be just heated through, and no more; while still others advocate food that is perfectly raw, such as uncooked cereals, raw meats. Some say that, in order to preserve the health, only one meal a day should be taken; others think the ordinary three meals entirely insufficient, and would have food

taken every two or three hours. Each bolsters up the theory he advances by cogent arguments based upon the properties of the food, their chemical constituents, and an exhaustive account of their relation to the living tissues and secretions of the human stomach. Many people think that the only suitable diet for man is one composed wholly of vegetables, while an equally large number find great benefit from eating nothing but chopped beef and drinking great quantities of water. Time would fail to go into an exhaustive account of these fads relating to diet and to drinkables.

Equally numerous are the number of fads relating to clothing. The cut of the garments and the materials of which they are composed come under consideration, and in turn claim the popular attention. One says that next to the skin nothing should be worn except silk; the next one advocates cotton; and the next one, all wool, not only for the undergarments, but for everything which the clothed human being would wear, even to the collar. Another says that all the colds and troubles come from the use of woollen, and that only linen garments should be worn, be the season summer or winter.

All the matters of hygiene referring to bathing, ventilation, sleeping apartments, dwellings, and many more, come in for their share of theory, and are governed in some extraordinary way or other. In some of the fads there is a modicum of truth; but they chiefly show that the present conditions are defective, and display the outward upward reaching for something better. They emphasize the truth that to-day is characterized by an irrepressible impulse here in the United States to find better and healthier conditions,— a state of mind that is recognized by shrewd charlatans, who for the purpose of enriching themselves advance foolish and impracticable ideas, which unhappily are sometimes injurious. The people who indulge in health fads of this nature are restless in the acquisition of new ideas; and, when they are experimenting and trying them, they are not satisfied without inducing others to try them with them, and they impose them upon the younger members of their family.

The fads which we have been describing are harmless compared with those which are at present indulged in, in relation to the healing of disease. These ideas which are becoming so wide-spread are dangerous to the individual as well as to his family and to the community. I refer to those cults which have given rise to a class

of persons who may be spoken of under the generic term of "healers." A large class of these practise what Charles H. Mann calls "Psychiasis," healing through the soul, to which belong the four divisions,— Christian Science, Mental Science, or healing, Mind Cure, and Metaphysical Healing. One and all are based upon the notion that all diseases are healed through the influence of mind. To these may be added a large class of healers which are to be found in the great cities, known as magnetic healers and clairvoyants. The belief of healing the body through the mind has come to be a portion of the religious creed of many. The churches of the Christian Scientists are multiplying. It is stated that there are more than six hundred societies of this faith, and more than a million who are members of them. It is not the purpose of this paper to discuss the questions of faith which govern these people. Each must decide for himself or herself those matters which pertain to religious beliefs. In this connection it should be stated that the intimate relations of the soul, or mind, to the body is at present so little understood that ideas in regard to it must be held as a belief rather than rest upon a basis of substantial proof. I believe that a few decades will throw great light on these matters. Scientists are everywhere busy, working with utmost diligence to elucidate these mysteries of brain action; and, in view of what has been done in the past, it can be confidently asserted that much which seems obscure and looks occult at the present day will be as plain as is now the action of the stomach in the matter of digestion. No scientific person can doubt for a minute the influence of the emotions upon the physical body. Fear destroys appetite, causes the secretions of the mouth to dry, the palms of the hands to be moist, and the perspiration to start from the stimulated sweat glands. It quickens or slows the heart-beat. It may stop the heart itself, and thus still the whole human mechanism in death. These various forms of psychiasis have produced great results in some instances where the mind and body have become out of tune. Too many people allow themselves to fall into a state of unhappiness and discontent. They bewail their lot, and in this frame of mind cease to eat; and the whole harmony of the system becomes destroyed. In the words of the mental scientists, they have sunk from a higher plane of living to a lower one; and they will not get well until they rise out of the morbid state of thinking into a healthier one. This thought, coming garbed with the authority of

a new system of healing, has done much for many; and physicians have been glad to see and recognize its power, as a form of mental therapeutics. These healers, however, emboldened by their success in these directions, now claim the most extraordinary powers; and the community is menaced in its health because of the spread of these doctrines, and the startled guardians of health see the necessity for legal regulations, to which these irresponsible persons should submit. Why should these people have the power to take care of the sick, when a physician cannot legally administer to disease without first passing a preliminary examination and then taking a four years' course in a medical college, and passing an examination in the studies thus pursued before he can take a degree? These rules apply to allopathic, homœopathic and eclectic physicians alike in the studies which pertain to knowledge of the human body in health and disease. In respect to treatment each has a separate board for examination. The logical sequences of the theories held by those who practise psychiasis is to perpetuate disease and to threaten the community, as the past year has shown by epidemics.

It will be well to review in their own words the theories under which they propose to take care of the health of the community. A man by the name of Quimby no doubt inspired Mrs. Eddy with her ideas of Christian Science. She was under his care, and admired him exceedingly. After his death she regretted that no one could carry on his work. She wrote a poem to his memory. Now, when it is suggested that he, and not she, was the founder of the new cult, she repudiates the idea, and resorts to the courts to substantiate her claims. Mr. Quimby thus states his working theory: —

"I give no medicines, make no outward applications. I tell the patient his trouble and what he thinks of his disease, and my explanation of the cure. If I succeed in correcting his errors, I change the fluids of his system, and establish the truth, or health. The truth is the cure. This mode of prescription applies to all cases." ("True History of Mental Science," by J. A. Dunn.) He continues: "My theory teaches man to manufacture health; and, when people go into this occupation, disease will diminish, and those who furnish disease and death will be few and scarce."

Mrs. Eddy defines Christian Science as the divine or spiritual science of mind healing. She thus states its claims ("Retrospection and Introspection," p. 46): —

"1. It does away with all material medicines, and recognizes the antidote to all sicknesses as well as sin in the mere mortal mind, and mortal mind as the source of all ills which befall mortals.

"2. It is more effective than drugs, and cures when they fail or only relieve, thus proving the superiority of metaphysics over physics.

"3. A person healed by Christian Science is not only healed of his disease, but he is advanced morally and spiritually. The mortal body being only the objective state of the mortal mind, this mind must be renovated to improve the body."

Mr. J. M. Buckley announces the following tests which prove the efficacy of Christian Science: —

"1. Food should not be necessary. Bodies are nourished more by truth than by food.

"2. Drugs *per se* have no power.

"3. Results in extraordinary accidents to the body. This is the last department to be developed, but has already well advanced. Authentic records have been made of the cure by mental surgery alone of dislocated hips and spinal vertebræ.

"4. Results in insanity.

"5. The perpetuation of youth and the abolishment of death."

The following are the rules given in a work by a man named Hazzard for the practice or the practical guidance of the healer. "Anatomy, physiology, treatises on health sustained by what is termed material law, are the husbandmen of sickness and disease. It is a proverb that, so long as you read the medical books, you will have the diseases. Diet is a matter of no importance. Exercise is of no importance. Read and ponder over Mrs. Eddy's publications. Do not ask the patient's history. Remember that every thought you think, if you think long enough, and strong enough, will be transferred to the person thought of."

A scoffer and unbeliever has asked in this connection, What need then for love philters or the administration of poisons or the use of murderous weapons? One has only to think, and the enemy disappears. Directions are further given as to how to "concentrate" and how to "subjugate."

How to "concentrate." Look at an object in the ceiling ten minutes, think of the object alone. Write a proposition on a sheet of paper, as "God is the only reality." Think of it for ten minutes with your eyes fixed on the paper. After that begin to

think of a subject, and give a dollar to the poor every time your mind wanders.

To "subjugate," forget yourself, forget the world, forget that you have a body, forget that you have any business or friends, empty your mind of its contents, be a man of one idea, "get out of yourself."

To give absent treatment, seat yourself alone. Let the room be silent. "Subjugate" your nerves to all else but your thought. Fix your thought on your patient. Picture him in your mind, and go through the treatment.

So long as the mental healing concerned itself with diseases which could not be transmitted from one person to another, so long as the person received the treatment for himself alone, no one could object; but when the helpless children under that person's care are deprived of having proper medical treatment in serious illness,— and it is known that many have succumbed because of this,— it should arouse the community to insist upon laws which will protect them. The theories of these people are that, when a child is ill, it is due to some sin of the parent, let the illness be diphtheria, scarlet fever, or any other malignant form. Evans states in his work entitled "Primitive Mind Cure," (p. 58), "the teeth never in reality ache. There has never been such a thing as toothache since the creation of man." He and others deny that there is such a thing as poisons. Evans thus states the attitude of thought in relation to it. "Is poison a material substance, or is it in us? If I affirm it is not necessarily in the drug, you will kindly ask me to swallow strychnine or prussic acid. You will excuse me if I answer in the words of another, under analogous circumstances, 'Get thee behind me, Satan; for it is written, Thou shalt not tempt the Lord thy God.' The truth seems to be that in the spiritual or immaterial essence of prussic acid there is something antagonisic to the life spirit in us. The best remedy is to ask the Lord to increase our faith."

Mr. W. A. Purrington propounded to a noted Christian Scientist the following list of questions: —

"If Christian Science removes the possibility of human and personal contention, why has Mrs. Eddy had so much contention concerning the late P. P. Quimby and the copyright of her book that she has actually threatened legal proceedings, and, I understand, has actually resorted to the courts?

"If matter is only erroneous thought in mortal mind, and therefore non-existent in minds illuminated by the right thought of Christian Science, and if the material aids to the injured of drugs, bandages, splints, etc., are unnecessary and even harmful for the proper treatment of physical injuries, will you kindly tell me what course you or Mrs. Eddy would adopt in any of the following cases: —

"(*a*) Walking along the street, a brick falls and cuts your head, causing the blood to flow.

"(*b*) A child at table swallows a fish-bone, and is in danger of strangulation.

"(*c*) Your child is riding in a street-car, and a person with confluent smallpox sits down beside it.

"(*d*) A child in the street is run down by a cable car, and bleeds from a severed artery.

"(*e*) A child falls from the window, and fractures its skull."

The reply to these questions was, "I prefer to shelve them, as the answer to them would only bring about wholly indifferent results."

An incident is related in one of Mrs. Eddy's books that, when she went to lecture once in a Rhode Island town, she was called in to see a woman who was given up by the physicians and left at the point of death. After Mrs. Eddy looked upon her, in five minutes she rose up, dressed, and was well. In the same volume is recorded the death of Mrs. Eddy's third husband, who also assisted her in her mission of healing. She thus speaks of him: "Dr. Eddy passed away with a smile of peace and love resting upon his serene countenance."

In 1887 Dr. Andrew T. Still evolved a system of treatment to which he gave the name of osteopathy,— not, as it is explained, because he regarded all healing as "bone-setting," but because he regarded the bones as Nature's medium of manipulating the human system, just as an allopath or a homœopath regards drugs as a medium of healing disease. The basic principle of osteopathy is that, if the human organism is in perfect order, every body tissue and structure performs its part without interruption. The bony structure represents the framework upon which the other tissues of the body are built and to which they are attached. Osteopathy makes use of the bone framework in establishing landmarks for physical examination as a means of restoring misplaced parts of the body. Hence, according to Dr. Still, the bones become the

basis of operative manipulation, which represents the medium of therapeutic action. The writer goes on to say that "osteopathy has already been applied to many, if not all, the diseases to which flesh is heir."

The way the osteopath reasons is thus set forth in a work entitled "Principles of Osteopathy," by Professor Charles Hazzard, who was the professor of the same in the American School of Osteopathy: —

"The fact that the spine is relaxed shows a lack of nerve force, a lack of life there. On the other hand, if there is great tension along the spine, the spine is closely bound down and held together by the ligaments, so that you have a rigid spine with little motion, the reasoning that there had been an injury to the spine that had resulted in directing too much nerve force to that part of the body for a shorter or longer period of time, which resulted in throwing too much food supply there, causing a thickening of the ligaments binding the vertebræ together. Collaterally, when too much life was thrown to a part, it was robbing some other part."

Osteopathy is nothing more or less than a form of massage, not as good as that given by an ordinary masseuse, as it only lasts for twenty minutes and is generally directed to only certain portions of the body. Think of the directions given to cure diphtheria. Besides general rubbing of the neck externally, with the first finger in the patient's mouth, press and rub the arches in the back of the mouth from above downward several times on each side. It is advisable to treat twice a day until the attack subsides.

I have given these definitions and directions of psychiasis and osteopathy as nearly as possible in their own words, without comment, as the object of this paper is not controversial. In fact, time would fail me to elaborate and discuss any one of the health fads which have claimed the attention. The truth which I desire to force home is that the community is in great danger in thus placing themselves in the hands of those who are utterly ignorant of the diagnosis of disease, even if they wished, and who go farther, and say that it is unnecessary that the disease should be even named in order to procure healing. What is the use of the elaborate system of quarantine which exists, and by means of which the country has been protected from the great ravages? What is the use of health boards who require that contagious diseases shall be reported, that their spread may be checked, if those

who are permitted to heal the sick cannot tell one fever from another or the eruption of small-pox from any ordinary skin disease? For twenty years the number of small-pox cases a year in New York City could be very nearly counted on the fingers of the hands. This last year there have been hundreds. The reason why: the value of vaccination as a preventive is decried by those who practise mind healing. Scarlet fever has been unusually wide-spread this past winter, due no doubt to the belief that there is no such thing as disease. Where one case becomes public, there are doubtless numerous cases that are treated by healers and osteopaths, of which there is no report.

It has been the steady aim of those interested in human welfare and scientific progress to raise the standard of education of those to whom the health of the community is intrusted. This Association may indeed be proud of the work it has done in this direction in the past. It is well within the recollection of many when a medical degree could be obtained after a couple of courses of a few months each at a reputable medical college. To obtain the same now requires four years' attendance upon lectures and clinics and the passing of examinations reasonably severe. Those who practise various forms of mind healing and osteopathy do so after reading a book or taking a few lessons from a friend,— some one who has gone into the business. It is the clearest common sense that those who attempt to care for the sick should have requisite knowledge, and that it should be the same as that required of the medical practitioner. These healers actually expose young children to death from contagion, and permit disease to spread through the community. They deny that surgery is more potent than thoughts; they assert that prussic acid is only poison to the mind that thinks it. Vaccination, they aver, shows weakness of the intellect. No matter what the results may be from the neglect and ignorance exhibited by these healers, the patient himself has no redress, as at present such practitioners are not recognized by law; and, having no license to violate, they are not legally responsible. Is it fair or right to the community for legislation to leave the people so unprotected?

At the close of Dr. Murray's paper, the subject being open for debate, the following discussion ensued: —

Rev. Asa S. Fiske.— It has been my impression, Mr. Chairman, that our medical schools to-day were largely responsible for a great many of these fads, especially these fads along the line of Christian Science and mind cure. They do not give the importance to the relations between the mind, or the soul, and the body that they ought to give. It seems to me that there ought to be in every medical school a department of psychology, as important and as thorough as any other department of study, especially with regard to the relations between the mind and the body. Those relations are recognized as being extremely influential, but I do not know of any medical school where that department of study is given any considerable rank in the work of the curriculum; and it seems to me that, if the scientific medical schools would take up this matter and analyze these relations between the body and the soul, they would cut from under these fads the ground on which they are based. These relations are vitally important, and it is necessary that they be given scientific definition; and the medical schools, I think, are the place for it. I was talking not long ago with a professor in one of our medical schools, and he agreed with me thoroughly that such schools ought to have a department of primary rank in that direction. I am not able to formulate what I have in mind in very concise and logical manner; but the question I desire to ask is whether our friends of the medical fraternity are not convinced that something of that kind ought to be done, to cut away the foundation for these fads.

Dr. Murray.— I think the medical profession is coming more and more to recognize the importance of what is called mental therapeutics; and this brings to the mind the relation of these so-called cults to mesmerism and hypnotism, one of the most fascinating of studies and at the same time the most difficult. I think in many instances the healing of these people is due to hypnotism. The directions given are the same as were used in former times by the monks in monasteries to produce ecstasy,— gazing intently at an object for a given length of time, and holding the mind devoid of every other thought. Physicians feel keenly their responsibility in these matters. They know what the results of mesmerism and hypnotism are oftentimes; and they are so educated that they will say, "I do not know," when a healer obtains a result, without thought of any consequences whatever. This matter of mental suggestion is receiving a great deal of attention from the medical profession; but the whole matter hinges, as I remarked in my paper, on the fact that we do not know the relation of the mind to the body. We know that it is intimate, but we do not know the very processes of the mind. If we could know that, if we could know it as we know the action of the muscles or the secretions of the glands, then we could lay down some rules which we could follow.

Mr. Fiske.— Do you not think the medical schools ought to devote a great deal of attention to this question?

Dr. Murray.— I think it is receiving a great deal of attention, especially in the chairs which treat of nervous diseases. I think the medical profession is fully alive to the nature of the question. These matters are the result of a reaction from the conditions which have existed. In the first place, homœ-

opathy was a reaction from allopathy,— from the use of strong, potent drugs. The pendulum swung the other way, and then the higher potentialities — medicine that would be invisible to the microscopic or chemical test — were thought to have power. People came to rely on medicine so much that we were called a drug-taking nation, and I think to-day they take more drugs than is good for them. The reaction came; and they said, "We will have no drugs: the mind will cure." So I think that the study of the mind and its relation to the body is receiving and will receive in colleges and among physicians the greatest attention, and deservedly so.

Dr. LUCY HALL-BROWNE.— I think that the question of hypnotism and of suggestion of the mind is much more thought of, perhaps, abroad just now than it is with us in America. I think we are a little afraid of it here: we are afraid of being thought "a little off," as we say, if we do much of that sort of thing or say that we are especially interested in it. In Paris last summer I attended the congresses on hypnotism and psychology. In the congress on hypnotism the best minds from all over the world were brought in. I found that there was very intense interest in the meeting. The papers were of the most deeply scientific order; and there was not one shadow of that feeling which seems to prevail here,— that there is anything in it which is not thoroughly scientific. They abhor the thought of there being anything like quackery or anything like a fad connected with this study of hypnotism and psychology, and I know that it is employed to a very great extent. For instance, I was in the office of one of the first electro-therapeutists in Paris, and there was a little bright object that was placed where it would be directly in front of the patient as he or she sat to receive his or her application of electricity. I said, "What is that?" He replied, "A large part of our work is mental suggestion, and that is to place the patient in a mental condition to receive the suggestion which we wish to give; and, whether we say so or not, we do combine mental suggestion with whatever we are doing in the way of therapeutics." I visited The Hague, and I found that the same thing prevails there. I therefore think that we are over-conservative here, and perhaps before a great while we will change in this matter. In fact, I think physicians are a little afraid to say just how much they are using this method, because a year ago, perhaps, in a nervous case which I had — a very severe one — I believed there was a fatal condition. I went to one of the most famous specialists in diseases of the kind, and the most positive things he said were: "Don't even let the family know of this. If they know, there will be something in their mental attitude that will affect this patient. Keep all this to yourself. You and I will take the responsibility, and we will see what can be done for this patient by the remedies which we may choose to apply."

Hon. JOHN EATON.— I see Dr. Harris is present. Perhaps he may have something to say on the subject.

Hon. WILLIAM T. HARRIS.— I do not feel that I ought to be called upon, because I am not a specialist in this matter. I have been interested in hypnotism for fifty years, I suppose,— long before it became respectable. I saw experiments made in it when people thought there was no such thing, and I have studied psychology with reference to it. I think it ought to be taken up, perhaps, a great deal more vigorously, as Dr. Fiske has suggested, by the medical

schools, and that each one of them, perhaps, ought to have a professor of physiological psychology. It was in Paris that hypnotism first came before the people. It had excited a great deal of attention; and it was taken up by scientific men in Paris, who decided that there was nothing whatever in it. That report on hypnotism discredited it, and prevented its study, I suppose, among scientific men for fifty years. Now Paris has made up for that by leading in the study of this matter of the relation between the soul and the body, and especially the hypnotic aspect of it. I have acquired a great dread of hypnotic experiments. In the course of my life I have seen many persons that were made, in a certain sense, spiritual parasites of other beings who had control of them; and I know that there is a great deal of hypnotism that does not go by that name. I have seen parents, for instance, that did not allow, did not encourage the development of their children, and did encourage the development, perhaps, of any of the rest of the family; that is to say, they made the other persons their puppets. That is what I call being a spiritual parasite, becoming a human puppet. We should be able to provide against this. I had a long talk a few days since with the founder of the George Junior Republic, to whom I spoke of these matters; and I know that this is one of the things he said he was trying to instil into the classes. It would be a good thing. I believe in hypnotism to a slight extent, and I believe that the young boys who come from the slums of our cities can be beneficially treated by this powerful hypnotic influence. I therefore believe in the George Junior Republic. But, when you take ordinarily sound and normally healthy children and put them under that influence, you injure and weaken their individuality, and so make them spiritual parasites. These are a few things I had in my mind as I listened to the able paper presented to-day; and I should not have ventured to express them, had not General Eaton called on me, because, as I said, I am not a specialist in such matters.

Dr. MURRAY.— I greatly regret that the Secretary of the Health Department is not here to speak on this paper. He has been exceedingly interested in the main point of my paper, which is to point out the necessity of guarding the community against the spread of contagious diseases, the care of young children, and the neglect of certain matters when the people are under the care of healers. A law is now pending in the Assembly at Albany to regulate this matter. The County Medical Society of New York, which has supported this bill, had this very thing in mind; and Dr. Lee has been one of the most active in promoting it. Some years ago some papers were presented to this Association with the view of raising the standard of the medical profession in New York State; and the result of the presentation and discussion of those papers by the Health Department of this Association was to cause laws to be passed, making it necessary for medical practitioners to pass rigid examinations and also extending the course of study, so that we have more rigid requirements in the matter of practising medicine in the State of New York. As I said, it is manifestly unfair to the community, and unfair to physicians who have spent a great deal of time in obtaining the knowledge necessary to treat disease, that the first healer who comes should have the same privilege, should come in and leave the patient to die or recover, as the nature of the case may be. That is the point I want most to emphasize in this matter.

In regard to hypnotism, I would say that I have made a study of it for years. I agree with Dr. Harris that it is injurious to the individuality of the person upon whom it is practised, and all physicians are most careful in the exercise of that mode of treatment. It weakens not only their individuality, but their mental power; and there are cases on record which show this, and it should be resorted to for medical purposes only when the end to be arrived at justifies the treatment.

Rev. JOSEPH ANDERSON.— The discussion this morning has led my mind back, as it has also Dr. Murray's, to a discussion which took place before our Association in Saratoga several years ago; and I have been inclined during the last half-hour or more to refer to that discussion and some things which it suggested to my own mind at that time. Although a layman from the medical point of view, I took part in that discussion; and I am glad to hear from Dr. Murray that it was followed by valuable results.

Some years ago I had occasion to visit an old shoemaker, and to sit down opposite him for a time. I found that he was a somewhat intelligent Englishman, whose attention had been recently attracted to an old book, entitled Higgins's "Druids." He was very full of it, and the statements contained in that book were to him genuine gospel. He had no idea in regard to the value of the book or of the correctness of its statements, and was not aware that any of them had been outgrown. The book is one of those obsolete works which now and then any intelligent person happens upon, and which he has the discrimination to reject. Just as this man failed to appreciate the value of authorities, so a very large proportion of us fail to appreciate the value of authorities. Every scholar knows that the crucial thing in many cases is to ascertain who is authoritative and who is not, what books are really up to date and therefore authoritative and what books are not; and, during the discussion of some years ago before our Association, I was impressed with the fact that the great mass of people, as distinguished from the medical profession, are in such a position that they cannot discriminate in this matter. They do not know who are authoritative and who are not, and we should take this into account when we consider such facts as have been brought before us this morning. If the intelligence of the medical profession could be spread over the community, we should not have these fads, or, at any rate, they would be very temporary. But here is a great population of people, before whom are brought two or three different schools of medicine, each with its claims, each with its arguments, each with its proofs. Who is there among us, for instance, that can decide wisely in regard to the comparative merits of the regular school and the homœopathic school and the eclectic school? For a hundred years we have been laboring with these questions,— and they are still unsettled,— taking up the one school or the other in a haphazard fashion, just as our children drift into one church or another without reference to traditional influence or definite training. The case is illustrated by travelling physicians. I live in a city of forty or fifty thousand inhabitants; and every now and then a physician comes into town, lodges at the main hotel, advertises in the paper the fact that he is a successful practitioner, and states that he has done wonderful things, and he has any number of testimonials to prove it. Scores and hundreds of people visit his office, turning their backs upon the regular physi-

cians of the town; and he does them good for the time being through his influence upon their nerves and their minds. That is going on constantly in all the small cities of the land; and the reason these men are successful is because the average person does not know the difference between an educated physician who has had a four years' course and who knows what he is talking about and a man who, without any education at all, perhaps, comes from somewhere else, and sets himself up as a successful practitioner. It is that condition of things which led us to lay stress a few years ago in the discussion already referred to upon the importance of a medical training in the first place, — the importance of raising the standard of medical education, — and in the next place the importance of having legislation which shall guard the profession, which shall give the educated physician his rights, and which shall prevent the quack from making havoc among the people.

Mr. KINGSBURY. — In this connection I am glad to say that in most of our medical colleges the standard is being raised in more ways than one. The length of the term is increased: two and even three years are not sufficient for an efficient training in medicine. I know that in the Yale Medical School, as in the Law School, we are lengthening the term. Young men who enter a medical school, and spend years of patient investigation, hard work, and study, ought to have the advantages of that education and the knowledge which they have gathered when they go out into the world. If there is no way of teaching the community the value of such knowledge and of such experience, then we must guard the physicians and guard ourselves against danger by legislation.

In regard to Christian Science — which is a sort of pantheistic philosophy, I should say — the theory underlying it illustrates how a half-truth may be more dangerous than a lie. Some of us have been familiar with the fact for many years that there are theories of the universe which annihilate matter, but those theories do not annihilate disease any more than they annihilate other things. The peculiarity of Christian Science is that it applies this peculiar type of philosophy to some things, and not to others; and any one who gives careful examination to the system must be impressed with the fact that, if there is any truth in it, it is a half-truth, and as a half-truth, in view of its bearing upon every-day life and health, is more dangerous than an out-and-out falsehood. We live in a peculiar age, it seems to me. It is so easy to become faddists or to be overwhelmed by fads, and it is really difficult for us to protect ourselves against them. Life is precious to most of us, and health ought to be precious; and we ought to bring our influence to bear somewhere, and in the way of legislation if we cannot do it otherwise.

2. TRANSMISSION OF YELLOW FEVER BY THE MOSQUITO.*

BY DR. GEORGE M. STERNBERG, SURGEON-GENERAL OF THE UNITED STATES ARMY.

[Read Wednesday evening, April 17.]

The CHAIRMAN.— I now take pleasure in introducing Dr. George M. Sternberg, Surgeon-general of the United States Army, who will read a paper on the "Transmission of Yellow Fever by the Mosquito."

I have not been able to prepare a regular paper for this occasion. I have made some notes, and will have to speak to you in an off-hand way on the subject of the origin and distribution of yellow fever. Its origin has long been a question. Some of those who have studied this subject believe that yellow fever originated in Africa, and was brought to the West Indies by the slave-ships at an early day; others believe that it prevailed in the West Indies at the time they were first settled by those from Europe. This question has not been settled, and probably never will be; but we do know that, in certain cities of the West Indies where yellow fever is now endemic, it was for a long time unknown. The city of Havana, during its early history, suffered from a number of very severe epidemics of yellow fever; and then for about a hundred years it was entirely free from the disease until it was again introduced. The city of Rio de Janeiro, in South America, was entirely free from the disease up to the year 1848, I think, when it was brought there in a ship that came from Havana; and it has prevailed there from that time up to the present. The foregoing facts, and many others that I might mention, show that the disease does not originate because of climatic conditions. It did not originate in New Orleans nor in Rio de Janeiro, although the climatic conditions and the general conditions were the same before its introduction as after.

*This address was stenographically reported, and has been revised by the author for the Journal.

The disease has prevailed in our own country repeatedly, and for a time in New Orleans almost annually; and formerly there was an idea among the people of that city that it belonged to the city, that it originated from local conditions. But for many years past, it has been excluded by a strict quarantine, and now the people are perfectly satisfied that as long as it is excluded they may be entirely free from the disease. When it does occur there, it is because it is introduced from some other place where it has prevailed. In the early part of the nineteenth century and the latter part of the eighteenth there were a number of severe epidemics in the cities of New York and Philadelphia, and now for quite a number of years we have had no serious epidemic in the United States. There has been now and then a local outbreak, as the result of importation, but no great epidemic since the year 1878, when it prevailed throughout the South very generally, and caused an enormous mortality.

The disease is especially a disease of seaport cities. There are two reasons for this. One is the reason I have just given,— it is brought in from other places. Naturally, it would be brought first to the seaports, and from there it would extend to the interior. The other reason is that it is really a disease of low levels, and does not prevail at high altitudes. There are some very interesting facts in connection with this. For instance, at Vera Cruz, where it prevails only during a number of months in the year, the people come from the City of Mexico constantly, which is only about twelve hours' distance by rail. They attend to their business, and go back to the City of Mexico; and frequently they fall sick and die of yellow fever. Never has the disease extended, however. Those who take care of them and others in the vicinity escape, and second cases taken from the first are unknown. The same is true in Rio de Janeiro. They have a health resort (Petropolis) only three or four hours from the city, and there the wealthy residents of Rio go for the summer months. I forget the exact elevation of this resort, but it is at quite a height above the level of the sea. People going from there down to the city, and returning, often fall sick with yellow fever and are nursed by their friends; and it does not extend.

All these facts indicate, evidently, that it is not a disease which is communicated directly by the sick to the well. If that were the case, then the man sick with yellow fever in the City of Mexico or

in Petropolis should communicate the disease to those who nurse him and to those who are about him. Then it would be propagated just like scarlet fever or small-pox or other contagious diseases of that character; but this is a general fact,— the disease is not communicated to those in attendance upon the sick, whether at high or at low altitudes.

My first encounter with yellow fever was in the year 1871 in New York Harbor. There, on Governor's Island, which is usually a very healthy place, we had an outbreak of yellow fever. In all there were something over a hundred cases; and these cases were sent down to one of the islands in the lower bay,— Hoffman's Island, which is used for that purpose. On this little island where we had these cases there were several doctors besides myself, the nurses, and the superintendent and his family, all living on the island and many of us in constant contact with the sick; and yet nobody contracted the disease from the sick. The conditions there were not favorable for the propagation of the disease. I could give you any number of facts to show that it is not communicated directly from the sick to the well.

There is another series of interesting facts. It requires a certain elevation of temperature for the development of yellow fever,— seventy degrees or above for some length of time,— and certain other climatic conditions, particularly moisture. It is quickly destroyed when cold weather comes, by frost, or even in the absence of frost; as at Havana, where they rarely, if ever, have frost, when the cold weather comes, it dies out. Also, during the spring months there is no yellow fever there; and during the early summer there is usually very little. It increases later on, during the months of July, August, and September, and continues until December. The propagation of the disease, therefore, depends on climatic conditions; and yet these climatic conditions alone do not produce it. Places having exactly the same climatic conditions escape until a case is brought in.

It has been a mystery to medical men how the disease is propagated. It is carried by ships, that we know. The history of the origin of the disease in the city of New Orleans, for instance, shows that you can always trace the origin of an epidemic to the arrival of some ship from an infected port. When a ship comes in and persons go ashore from the ship and fall sick and die of yellow fever, they start an epidemic in some way. They do not

communicate the disease to those in contact with them; but cases spring up in the neighborhood,— persons who have not been in the sick-room, some one in the next house or in the vicinity,— and the area of infection gradually extends from block to block. It has been observed that a high stone wall will arrest it very often. A jail or a young ladies' seminary having a high stone wall about it will escape, while the disease is prevailing in the immediate vicinity. All these facts were known without our having any proper explanation until quite recently. We took this problem from the wrong end, it seems; and I myself have spent a number of years of my life in trying to solve the question of the cause of yellow fever and the mode of its transmission.

I first went to Cuba in 1879 as a member of a commission sent for this purpose. I spent the whole summer there, and made a great number of experiments and researches, testing micro-organisms that were to be obtained and studying the blood and tissues of the yellow fever cases that proved fatal. I went to Cuba again to continue a similar investigation in 1887, being sent by the government; and the same year I went to Mexico and Vera Cruz. I also spent the summers of 1888 and 1889 in Havana. As the result of my very extended experiments, which to record required quite a volume, I arrived at a conclusion which is very briefly stated. It was this: the specific cause of yellow fever has not yet been demonstrated. At that time several persons thought they had discovered the yellow fever germ. Dr. Freire, of Brazil, was very strenuous in his claims to have made the discovery; and Dr. Carmona, of Mexico, Dr. Finlay, of Havana, and Dr. Gibier, a French bacteriologist who went to Cuba to study the disease, all found germs. But they all found different germs, and evidently they could not all be right. My conclusion was that they were all wrong, and that conclusion has been justified by subsequent researches. They were all mistaken. They had hit upon germs that were accidentally present and that had nothing to do with the disease. Further, stating my conclusions, I say: "It is demonstrated that micro-organisms capable of development in the culture-media usually employed by bacteriologists are only found in the blood and tissues of yellow fever cadavers in exceptional cases, when cultures are made very soon after death." Cadavers, in such a climate as that of Havana, contain various organisms within a few hours after death; and that adds greatly to the difficulty of

making such researches. I left the matter there, for I felt that I had really exhausted this line of investigation. I was looking for bacteria. We have bacteria in typhoid fever and in cholera and in various other infectious diseases; and bacteriologists generally were expecting that all infectious diseases would be proved to be due to some kind of bacteria. We now know that some of these diseases are caused by another class of organisms entirely. Malarial fevers are due to a germ which is of an entirely different class — the Protozoa; and, if I had time, I might tell you something about the malarial germ. I must say, however, that it has been demonstrated that malarial fevers are transmitted by mosquitoes. That has been fully demonstrated. We know the germ. The experiments have been made over and over again, showing that perfectly healthy persons away from the malarial districts, who are bitten by mosquitoes containing that particular germ, contract malarial fever; and we now make the diagnosis of malarial fever by demonstrating the germ in the blood.

Since my researches another claim has been made. Dr. Sanarelli, an Italian bacteriologist of some distinction, went to Brazil, where a prize of $10,000 had been offered by the government to the person who should discover the germ of yellow fever. Dr. Sanarelli made a discovery, which has been published very widely; and, I believe, he got the prize. But our recent researches show that Dr. Sanarelli's alleged discovery has no better foundation than that of the others mentioned by me. He also got hold of an accidental germ in his first case: it happened to be present in the blood in large numbers. He himself did not find it in other cases, except very rarely and in very small numbers. Now our investigations in Cuba show that it is not usually present, and that, when present, it has nothing to do with yellow fever. I must dismiss Sanarelli with a very few words, although he has been before the public for several years now as the discoverer of the germ of yellow fever; and I presume that even now he has not abandoned his claim.

Some fourteen or fifteen years ago Dr. Finlay, of Havana, advanced the theory that yellow fever is transmitted by mosquitoes; and he has the credit of being the first to advance this theory. He gave very good reasons for believing that this might be so. Among his reasons are those I have already stated,— that it prevails at low levels, and not at higher altitudes; that the disease

is arrested when we have cold weather. Now the particular mosquito which he found disappeared very soon after the nights became cool, and he inferred — I do not know that he proved it — that this mosquito did not prevail in higher altitudes, that it was a species that belonged to the seaboard. That is probably true, although it has not been definitely shown yet. He also gave various other reasons, which appeared to be very good ones, for believing that yellow fever is transmitted by mosquitoes. Unfortunately, however, his experiments did not sustain his theory; and with reference to that I shall read a quotation from Finlay himself. Dr. Finlay is of English parentage, a native of the West Indies, a very competent physician and a very earnest man; but at the time he entered upon these investigations he had no special training in bacteriology or in experimental work. He says: —

It is a well-established fact that beyond certain limits of height above the level of the sea the disease cannot be acquired either through fomites imported from infected localities or by direct contact and frequentation of yellow fever patients who may happen to be in those high levels (having received the infection elsewhere). Low temperatures produce the same results as high levels, though each, we are told, independently of the others. Now, to my mind, this would be quite incomprehensible if the disease could possibly be acquired either by inhalation, ingestion, or contact. Some thirteen years ago I was led by these considerations to think that the only mode of transmission at all compatible with the ascertained facts must be by "inoculation." A simple reasoning further induced me to suspect that such inoculations of the disease germs might be produced by some stinging insects peculiar to yellow fever countries, and which, for some unknown reason, should alone possess the requisite conditions for retaining those germs in their full potency and vitality. Some species of gnat might well fulfil some of the requisites; for, although the genus *Culex* is distributed pretty much over the whole world, the different species have distinct climatic requirements. A close investigation into the habits and the biological conditions of the species of gnat commonly met with in Havana and in other places along the Atlantic coast of tropical America soon convinced me that those which come out during the daytime, at dawn, and in the evening — the "culex mosquito," in particular — unite the most essential conditions to fulfil the rôle of a special inoculating agent which should be the habitual propagator of yellow fever.

The culex mosquito may be kept alive during thirty-five days in a very small space, and with a very scanty supply of air, provided it is allowed to fill itself with blood every two or three

days, or if only some dry sugar and a supply of fresh water are placed within its reach.

In my inoculation experiments the interval between the application of the contaminated mosquito to a susceptible person and the appearance of the first symptoms of a mild attack of the disease (when such a one did occur) has varied between five and twenty-five days, the latter term being the one that I have fixed upon, beyond which any morbid symptoms would be considered as independent of the inoculation.

I may say here that this five to twenty-five days he had fixed upon was not very reasonable: he might have fixed upon three to five months as well as five to twenty-five days; for all our knowledge of yellow fever shows that after exposure it is contracted within four or five days, so that any mild attack of fever coming after five days could not be properly traced to the bite of the mosquito.

In the majority of cases no pathogenic effects were produced,— only one or two recently contaminated mosquitoes having been used in each case; but a protective influence appears to have been thereby manifested, as will be shown in the next section, where artificial immunity will be considered.

The yellow fever patients, upon whom the mosquitoes were contaminated, were, in almost every instance, well-marked cases of the albuminuric or melano-albuminuric forms in the second, third, fourth, fifth, or sixth day of the disease. In some of the susceptible subjects the inoculation was repeated when the source of the contamination appeared uncertain.

Among the eighty-seven who have been under observation, the following results have been recorded: within a term of days varying between five and twenty-five after the inoculation, one presented a mild albuminuric attack, and thirteen only acclimation fevers.

While I did not see anything improbable in the theory,— and it rather struck me with favor,— his own experiments seemed to disprove it, because out of the eighty-seven persons inoculated only one had an attack of yellow fever. There the question rested. The profession generally did not accept Dr. Finlay's claims to have demonstrated that yellow fever is transmitted by the mosquito; and there it would have rested but for the fact that a board of experts belonging to the army was sent to Cuba last year to pursue the investigation. In giving instructions to that board, I told the members of it that they had better give some considera-

tion to the question of the transmission of yellow fever by an intermediate host; that possibly the mosquito was the intermediate host, although Finlay's experiments did not give any support to this supposition. There was another thing I told them they had better give attention to in their investigations. It has never been definitely settled that the germ is in the blood of the yellow fever patient, that the blood of the patient injected into another person will give that person the disease. If we knew definitely that the infectious agent is in the blood, we would have something to start with. We have not been able to discover any germ in the blood by the highest powers of the microscope.

Dr. Reed and his associates took up the matter in a very intelligent way; and he was very much impressed with the idea that there must be an intermediate host,— that is, some insect which transmitted the disease to man, whether a flea or a mosquito or some other insect. The first experiments were made upon the members of the board themselves. One of the members of the board, Dr. Agramonte, a native Cuban, was an immune. He was not susceptible to the disease, having had it in his youth. Two members of the board, Dr. Carroll and Dr. Lazear, inoculated themselves with contaminated mosquitoes. Dr. Lazear was a graduate of Johns Hopkins Medical School, and a gentleman who was very highly esteemed by his associates at Johns Hopkins. He was appointed by me an acting assistant surgeon, and made a member of this board. He had been especially trained for research work. Dr. Carroll had been for several years in the Medical Museum in this city. He had been engaged in bacteriological researches. He had been studying Sanarélli's bacillus and had been studying yellow fever, and preparing himself especially for this work, as had Dr. Walter Reed, who had given very special attention to the subject. The inoculation in the case of Dr. Carroll was successful: he had a very severe attack of yellow fever and recovered. Dr. Lazear first inoculated himself without any success by a mosquito. Then he went to visit some cases. He went to the dead house for an autopsy; and while there a mosquito, which appeared to be contaminated, lit upon his hand, and he allowed it to fill itself with blood. He believed that there was an inoculation. He was taken sick a short time afterward,— within two or three days; and, unfortunately, he died, as the result of an attack of yellow fever,— a martyr to his scientific experiment.

There was doubt in that case, because he had exposed himself in a place where yellow fever was prevailing; and the critics might very well say that perhaps it was not a mosquito after all, perhaps he had contracted yellow fever while near yellow fever cases. Dr. Lazear himself was thoroughly convinced that people did not get yellow fever from being near yellow fever cases; and so, when he was taken sick, he was thoroughly satisfied that it was the result of inoculation. This being the state of things, it was necessary, in order to convince the scientific world, to make further experiments. Accordingly, Dr. Reed, in the autumn, undertook a series of experiments which gave most brilliant results. General Wood placed at his disposal a sufficient sum of money from the funds of the island of Cuba, as it was a matter that interested the people of Cuba very greatly indeed; and he built some distance from the city of Havana — a long way from any infected place, so that there would be no question that a person contracted the disease from being exposed in infected localities — his experiment station, and there experiments were made upon certain volunteers belonging to the hospital corps of the army. These men volunteered with the full knowledge of what had gone before and of what would be the probable result. There were also some Spanish emigrants who had recently arrived, and who considered that it was necessary to have yellow fever in Cuba, and that the sooner they got over it the better, especially if they could be well taken care of and nursed. I may remark incidentally that these volunteers had a bonus offered them, which was perhaps some inducement. The result of these experiments was entirely satisfactory and positive. Of the number experimented upon, 80 per cent. had yellow fever. We took the precaution to have two or three doctors, who were recognized as experts in the disease, see the cases. They all agreed that they were undoubtedly cases of yellow fever. The persons who were subjected to the experiments were kept at this experiment station for a considerable time to make it absolutely sure that they were not going to develop yellow fever as the result of exposure elsewhere. As I have already stated, the period of incubation of yellow fever is not over five days: it is generally from two to three days. These persons were kept in isolation, away from contact with any infected locality, until the time arrived for them to be inoculated with a contaminated mosquito,— one that had filled itself with the blood of a yellow fever patient,— and successful results were obtained.

Why did Dr. Reed get success and Dr. Finlay fail? The difference is simply here. Dr. Reed kept his mosquitoes for a period of from twelve to fourteen days. He failed when he applied mosquitoes which had been taken only a day or two before. He found by experiment that it was only after they had been kept for twelve days or more that success followed their use, during which time it is probable that the germ multiplies in the body of the mosquito and finds its way to the salivary glands. The same is true in malarial fever, and he probably got a hint from that. The mosquito that has filled itself with blood from a malarial fever patient does not immediately transmit the disease. It requires a certain length of time for the germ to multiply in the body of the mosquito and find its way to the salivary glands. All mosquitoes that had been kept from twelve to fourteen days, when applied to non-immune persons, gave rise to typical attacks of yellow fever. And that corresponds to what we know frequently occurs in New Orleans and other cities. Ships arrive, and persons on the ship go ashore and fall sick; and, although the incubative period is only from three to five days, second cases do not usually occur till about the end of two weeks. That has always been a mystery. The persons immediately in contact with the case do not take the disease from the sick person, but at the end of about two weeks cases arise in the immediate vicinity. Now we understand it. Mosquitoes had filled themselves from the first case, and were distributed in the house or in the adjacent houses; and thus several other persons, after the proper interval had passed, contracted the disease.

The conclusions, as stated by Drs. Reed, Carroll, and Agramonte, are as follows: —

The mosquito — *C. fasciatus* — serves as the intermediate host for the parasite of yellow fever.

You may say: "Don't they have mosquitoes up in the City of Mexico? Don't they have mosquitoes at Petropolis?" Oh, yes; but there are mosquitoes and mosquitoes. There are very many different species; and the malarial mosquito, which transmits malarial fever, is quite different from the *Culex fasciatus*, which transmits yellow fever. The researches would indicate that this particular mosquito is the one which transmits the disease, and that the mosquitoes which prevail at higher levels are not able to do so.

This is the inference at present. A different mosquito transmits malarial fever, and in these experiments it was the *Culex fasciatus* which transmitted the disease. We are not able to say positively that no other kind of mosquito can, but this is the only species so far which has been proved to do so.

Yellow fever is transmitted to the non-immune individual by means of the bite of a mosquito that has previously fed on the blood of those sick with this disease.

An interval of about twelve days or more after contamination appears to be necessary before the mosquito is capable of conveying the infection.

The bite of a mosquito at an earlier period after contamination does not appear to confer any immunity against a subsequent attack.

Dr. Finlay thought that in his experiments, where he used mosquitoes that had been kept only a few days, while there was no result, those persons enjoyed an immunity from yellow fever. So far Dr. Reed's experiments give no support to that view.

Yellow fever can also be experimentally produced by the subcutaneous injection of blood taken from the general circulation during the first and second days of this disease.

Dr. Reed in his experiments found that a minute quantity of blood drawn from the veins of a yellow fever patient during the first day or two of the disease, and injected into a healthy individual who had not previously suffered an attack, caused a pronounced attack of the disease; that is, he proved that the infectious germ or agent is in the blood.

This brings me to another point. Why, then, do we not find it there? Why do we not find it with the microscope? Dr. Reed has not found it in the blood. He has not been able to demonstrate it under the microscope; and the inference is at present that it is ultra-microscopic,— that it is beyond the reach of our microscope. That we believe to be true with reference to some other disease germs; for instance, the germ which causes the foot and mouth disease of sheep and cattle. Investigators have proved that there must be a living germ present in the fluid which is found in the pustules which are peculiar to that disease. Serum drawn from these vesicles reproduces the disease, but under the microscope nothing can be demonstrated. And yet there is a liv-

ing infectious agent, or germ, in this serum. The same is true as regards yellow fever blood, although the exact nature of this living infectious agent has not been determined; but the fundamental facts that it is present in the blood and that the disease is transmitted by mosquitoes has been demonstrated.

An attack of yellow fever produced by the bite of the mosquito confers immunity against the subsequent injection of the blood of an individual suffering from the non-experimental form of this disease.

The period of incubation in thirteen cases of experimental yellow fever has varied from forty-one hours to five days and seventeen hours.

Yellow fever is not conveyed by fomites; and hence disinfection of articles of clothing, bedding, or merchandise supposedly contaminated by contact with those sick with this disease, is unnecessary.

That is a very important conclusion, and it is based upon further experiments which I have not the time to go into at present. If you have the opportunity to read Dr. Reed's report, however, you will find that other volunteers were kept day after day in a close compartment, slept night after night on beds that had been occupied by yellow fever patients and soiled with discharges, wore the clothing that had been worn by the yellow fever patients; and everything possible was done in that way to see if the disease could be communicated by such material. But no one took the disease in that way.

A house may be said to be infected with yellow fever only when there are present within its walls contaminated mosquitoes capable of conveying the parasite of this disease.

The spread of yellow fever can be most effectually controlled by measures directed to the destruction of mosquitoes and the protection of the sick against the bites of these insects.

While the mode of propagation of yellow fever has now been definitely determined, the specific cause of this disease remains to be discovered.

A circular has recently been drawn up by the chief surgeon in Cuba, giving directions about the use of mosquito bars and the destruction of mosquitoes, and adopting this idea as the basis of preventive measures.

A person who during the summer months has been in a hotel in Havana and who has not been near a yellow fever patient, on

going aboard a steamer to come home, must undergo some process of disinfection; and his clothing (perhaps linen recently from the laundry and clothing which he has not had out of his trunk while away from home) must be subjected to fumigation and a great deal of it destroyed. According to these researches there is no scientific basis for such procedure. The methods must be entirely changed if we accept, as I do, the conclusions reached by Dr. Reed and his colleagues.

Prof. FRANCIS WAYLAND.— I should like to ask what percentage of deaths occurred among the volunteers in the experiments.

Dr. STERNBERG.— I am very glad that you asked that question. I had intended to make the statement. Fortunately, no one died. They all got well. The only victim was Dr. Lazear.

The CHAIRMAN (Dr. KINGSBURY).— This matter of changing all the quarantine regulations is really a very important and interesting one to all who have had experiences in the process of disinfection. Usually such an experience causes a great deal of loss and much discomfort; and, if this theory which Dr. Sternberg seems to believe in so fully is sound, it is a matter of vast importance to the public and to the community to be relieved of all these annoying and vexatious measures — undertaken with the very best of intentions and with the very best knowledge to be had — to prevent the spread of disease.

Prof. FRANCIS WAYLAND.— Dr. Sternberg did not state the number of those experimented upon.

Dr. STERNBERG.— There were at Camp Lazear seven non-immunes whom we attempted to infect by means of the bites of contaminated mosquitoes. We succeeded in conveying the disease to six, or 85.71 per cent. This does not include the previous cases mentioned.

Prof. FRANCIS WAYLAND.— Although the question is not immediately suggested by the topic, I should like to ask the doctor if any experiments have been made under the direction of our government to ascertain the cause of leprosy.

Dr. STERNBERG.— No, sir, I do not know that any experiments have been made. Researches have been made and reports published with reference to the cause of leprosy, but no direct experiments have been made.

Prof. FRANCIS WAYLAND.— I was only reminded, by what you say about these men exposing themselves for the sake of science and ducats, of a case in the Hawaiian Islands. Medical men there for a long time have been trying to find the cause of leprosy,— how it is communicated from one to another. A native Hawaiian, sentenced to be hanged, had the sentence commuted to imprisonment for life on condition that he allowed himself to be inoculated with the leprous virus. I saw him in prison there about a year after the virus had been communicated to him. He was a man of superb physique, and gave no indication of any results from the inoculation; but two years later he died from the disease. So in one case the experiment was successful.

Mr. MINTER P. KEY, of Washington, D.C.— I want to ask the doctor if there is any way of making the people living in an infected district immune from yellow fever. I spent 1878 and 1879 in and near Memphis, Tenn., during an epidemic of yellow fever. Of five of my family, three took the yellow fever, notwithstanding they lived in the house and took care of themselves. Those of us who were riding day and night, trying to keep the thieves and robbers from burning and sacking the city, and were certainly exposed to the mosquitoes, did not have it. Is it not possible that men can be immuned by reason of their fine physical health?

Dr. STERNBERG.— I would say that the facts mentioned seem to give support to the view I have presented. It is not the mosquitoes which are out of doors that are important, but those which have filled themselves with blood from a yellow fever case, so that the persons in the house, especially if there is a case in the house or in the neighborhood, would be much more liable to contract the disease than persons who were living out of doors and away from the town.

In regard to immunity, no doubt there is a great difference in the immunity of different individuals. There is an immunity of the whole population almost in Havana, and there used to be in New Orleans. They used to claim in New Orleans that a Creole, or a native-born person, could not have yellow fever. We now believe that they simply had a mild attack when they were young. We believe, also, that that accounts for the immunity of the population of Havana. Those people who have lived constantly in Havana have had at some time in their lives a mild but unrecognized attack of the disease, usually when they were children, and one attack protects them during life. The Cubans who live outside of Havana have no immunity. They come to the city, and contract the disease as readily as others do.

Prof. KELLY MILLER.— It has been stated that female seminaries, surrounded by high stone walls, were found to be exempt from infection. I would like to ask, first, how this fact squares with the mosquito theory. Secondly, the speaker claimed that colored people are immune from yellow fever. I would like to make inquiry about that statement also.

Dr. STERNBERG.— Mosquitoes do not fly very high; and, where there is a high brick wall, it serves to some extent as a barrier, although not an absolute one. The walls I referred to were very high,— two stories.

With reference to colored people being immune and not contracting yellow fever, I would say that is a mistake. I have seen many colored people with genuine yellow fever. It was a common idea in New Orleans thirty years ago that colored people could not have yellow fever, but that was a mistake. Colored people used to have it in a milder form, and they usually recovered.

Rev. Dr. ANDERSON.— Is it known whether other diseases than yellow fever and malarial fever are communicated by insects to the people?

Dr. STERNBERG.— Filarial disease is communicated by mosquitoes; that is a disease of the blood. Anthrax, a very fatal disease of cattle, is communicated by flies. Typhoid fever is very frequently caused by flies carrying infectious material lighting upon articles of food or dropping into milk.

Hon. FREDERICK J. KINGSBURY.— In regard to the height at which certain insects fly, I desire to state an experience of my own in the summer of 1863,

when I was riding from one town in Maine to another on horseback. It was in July, right in the height of what is known as the black fly season. There were a number of men in the log camps in the woods; and all of them had on large gloves, extending up on the arm, and tied, so that nothing could get under them. They also had a little framework over their heads, with gauze drawn over and fastened down. In addition, where they were hewing their logs, they had a smudge fire. This gave a tremendous smoke, and the workmen followed that smoke around as the wind varied. Notwithstanding these precautions, a great many of the men were driven off, and gave up work until the fly season was over. Now I rode all through that country; and, while I was on horseback, I was not bitten. Two or three times, when I was off the horse, I was bitten a little. This shows what a perfect protection a very little height is.

III. DEPARTMENT OF EDUCATION AND ART.

In opening the proceedings of the Department of Education and Art on Thursday morning, April 18, the chairman, Rev. Joseph Anderson, D.D., said: —

Our meeting of last May in this city was signalized by an inaugural address, prepared by Mr. Charles Dudley Warner, and read at the Monday evening session in his absence, he being ill at the time at Norfolk, referring to the education of the colored people of the South. Mr. Warner, as we all know, had interested himself for many years in social problems, and especially in problems connected with the education of the negro. Some years after the war he visited the South, and went to every institution of learning of any importance devoted to the education of the colored people, and in that way became very familiar with educational methods as applied to the negro. It was considered reactionary that he should have taken the position he did, considering what his earlier life had been. His relations to the anti-slavery cause and to the negro were a notable fact, and it was looked upon as representing a reaction which was quite widely extended among thinkers in the North and also in the South. A great deal of discussion was called out by his paper in the newspapers and elsewhere. Some of Mr. Warner's friends were surprised that he should have taken the attitude which he did in that inaugural address: others felt that he was very properly a leader in a reaction which must become more and more extensive. He came to the conclusion, which he felt had been forced upon him, that a utilitarian rather than a classical education was all-important for the colored people of the South; that, if a classical education should be extended to any of them, even to the colleges and so-called universities, it should be to only a very few; that the great and important and imperative demand of the times, so far as the colored people were concerned, was that they should be educated in lines of utility and industry, and should leave the classical methods to the whites. It is well understood that this is a subject which has two sides, and it was

considered so important that it was concluded to give an entire forenoon of this session to the discussion of the subject in its various aspects. The first paper this morning will be read by Mr. George R. Stetson, of this city.

1. THE RACIAL PROBLEM.

BY GEORGE R. STETSON, OF WASHINGTON, D.C.

[Read Thursday morning, April 18.]

Racial antagonism is a natural instinct, having the force of universal law. Rigorously enforced in the lowest, and subdued, tempered, and refined, still imperative in the highest civilizations. From this law, as from our crude superstitions, there is no complete escape, no perfect freedom.

Even the Maoris, the cannibal aborigines of New Zealand, speak of the blacks with a touch of contempt, says Bishop Patterson. To racial antagonism is to be added class discrimination: its natural corollary, and which is equally universal, despite all humanitarian, communistic, or political treatments and experiences whatsoever. The transported Americo-Liberians turn their backs upon their African kinsmen without a trace of racial feeling; derive revenue from a capitation tax upon the natives within their territory, who lease themselves out for terms under the contract labor system; and for a trifling sum paid to the parents, under a system of forced apprenticeship or practical serfdom, hold native children in servitude until they have obtained their majority.

Among our Canadian neighbors and in our own country, we have a large field and constant stimuli for such antagonisms and inter-racial discriminations which are fruitful in the production of political, educational, and social problems demanding solution, and prolific of never-ending discussions. Fortunately, our public schools and social freedom act upon the white races as powerful solvents in producing a tolerable homogeneity.

Of these various problems, that of the negro is the most prominent, and, consequently, the most difficult upon which to advance any new practical suggestions. The most that can be done is to reiterate old truths, and urge their importance and acceptance as

the bases of further investigation and their application to present exigencies.

To New England and the North, where the negro is an unimportant factor in the population, the negro problem, so called, seems an extremely simple one, the easy solution offered being to give him the rights which belong to political citizenship unreservedly, and regardless of any qualification for their exercise,— a privilege which, however, they do not themselves grant.

To the South, where he is an extremely important factor in the population, and where to give him, as a race, political equality without educational qualification means political and social disaster, the problem is a very different and much more serious one.

As an illustration of the financial results of legislation under the control of ignorant negroes easily led by unscrupulous whites, we find that in one session of the legislature of South Carolina during the negro rule the expenses were over one million of dollars.

And while at the close of the Civil War the debts of the nine States — Alabama, Arkansas, Florida, Georgia, Louisiana, North Carolina, South Carolina, Texas, and Virginia — aggregated $76,416,430, at the end of the negro control, in 1877, they aggregated, in a time of peace, $289,868,584, a total increase of $213,452,154, the largest increase being made in Florida, from $370,617 to $15,797,587.

The negro, with all other races in contact, has his gradations in development and culture more marked in his case by his admixture of blood with a superior race and by a radical difference in environment. The neglect to recognize these developmental gradations in the negro is a serious obstacle in the way of a more perfect understanding and a rational treatment of his racial needs.

Passing over the numerous discriminations, classifications, and antipathies common in the white races, we find the classification of the negro with the mulatto — a classification common in both sections of the country — to be not only unreasonable, but replete with injustice.

As early as 1755 the treasurer of the Massachusetts Colony made the proper distinction in ordering the selectmen and assessors of Springfield "to tax every Indian, negro, and mulatto." In an act of Congress, March 3, 1819, an agent is authorized "to receive negroes, mulattoes, or persons of color." A negro is not in any sense a mulatto, and the latter is a negro with certain limita-

tions in the ratio of his admixture of blood. He forms the most intelligent and better part of his race.

"The mulattoes of the United States," says Thomas Fortune "have since the war taken an unusually prominent part in matters of Church and State, and have been faithful to their race."

In Hayti, although largely in the minority, they form the most intelligent portion of the inhabitants and the only class competent to conduct the government (Spencer St. John).

The effect of this indiscriminate classification of the race as a whole is to intensify the mutual antipathy of the mulatto and negro and to discourage the former class in its effort to maintain its advance. "An atrocious book," as characterized by Mr. C. W. Chesnutt in the *Critic*, recently published under the title of "The American Negro," although written by a mulatto, fails in making the distinction between the educated and uneducated, the progressive and unprogressive classes, sufficiently clear, and in recognizing its importance.

The author's rather vituperative description of the crude, unlettered negro will fail in its desired stimulative effect upon that class, as it will never reach it. The purpose of such a book should be to emphasize the distinction made by education and morality, and to encourage and inspire the intelligent and cultivated mulattoes and negroes to take their part with the whites in the task of uplifting the submerged mass, for which work many of them by ability, education, and refinement are amply qualified.

The solution of the racial problem by segregation or separation here or elsewhere is futile. It is not desired by the masses, and, if desired, would prove a fatal bar to the negro's advance. The evidence is abundant, not only in our own country, but especially where the negro has governmental control, that his social, moral, mental, and political development are absolutely dependent upon the presence of a superior race.

George Carrington, B.A., in an address made to the Royal Colonial Institute in March, 1898, said, "Not only is the mother country under special moral obligations to her own sons in the West Indies, but also to the negro laboring classes, which for generations to come must depend on the presence of the white man to prevent their reversion, at *best*, to the semi-barbarism existing in our Virgin Islands, and, at *worst*, to the present sad condition of the negro in Hayti."

In his present status he lacks organizing and administrative ability, and is deficient in technic capacity and in all the mental qualities necessary for independent racial development, while his imagination and his emotional nature are erratic, undisciplined, and uncontrolled. For these and other reasons (as Mr. Ripley has remarked) "the negro is useless as a colonist, even for reintroduction into the tropics." *

The parents of all our mistakes and misfortunes in the treatment of the race are our failures to *enforce* and *act* upon the belief in our superior mental and social development, and the very natural incapacity of the negro to comprehend the great difference in the status of the two races or the reason of its existence,— failures made more unfortunate by the practical support given to this belief in equality of mental and social development he obtains from the whites, as indicated by them in the common curricula of the public school systems, for both races, in the States where the negro most abounds.

I quote from Section 9 of "An Act to regulate public instruction" in one of the most populous counties of Georgia, in which the white and black school population are equal in number: "And be it further enacted that the County Board of Education under the advice and assistance of the trustees in each ward or school district, shall make all the necessary arrangements for the instruction of the white and colored youths in separate schools They shall provide the same facilities for each, both as regards school-houses and fixtures, attainments and abilities of teachers, length of time, and all other matters pertaining to education; but in no case shall white and colored children be taught together in the same school."

Here, as elsewhere in the country, the mental differentiation is lost sight of in physical separation. "Our educational methods" asserts the author of "The American Negro," in the most logical chapter of his rather illogical book, "are both wrong and profitless. There is an enormous waste of time, money, and results, mainly because we have deliberately blinded the natural capacity and aptitude of the negro by useless studies."

In this opinion, I am happy to say, the most advanced negro and colored educators practically agree. A prominent professional teacher remarked a few days since that his race was suffering from intellectual indigestion.

* Ripley's "Races of Europe."

Auguste Comte, in his "Positive Philosophy," outlines the natural order of succession of modern civilization as: first, the industrial and practical; second, the æsthetic and poetical; third, the scientific; fourth, the philosophical; and he suggests that the miraculous existence of Venice, and yet more of Holland, began to be possible by means of obstinate and thoroughly organized industrial effort.

"Industrial pursuit," he continues, "is suitable to the intellectual mediocrity of the vast majority of the race, which can best deal with clear, concrete, limited questions requiring steady but easy attention, admitting of a direct or proximate solution, relating to the practical interests of civilized life, and bringing after them a pretty certain reward of ease and independence in return for sense and industry."

The next test — the influence of the social on the personal instinct — shows us that industrial life favors a universal good will, and "unquestionably develops new intellectual and sympathetic power in the very lowest class of the population" (Comte's "Positive Philosophy," p. 692).

Culture is essentially the sublimated product of industry and of industrious habits; and in the whole field of history a more concrete illustration of this truth and of the fundamental value of thrift and industry in all human progress than in the sea-born land of Holland cannot be found. The ignorant negro is too much inclined to attempt the reversal of this evolutionary method and order of succession, and to attempt to acquire culture without the necessary training, which in his racial status is impracticable. He cannot, as he fondly imagines, "at once be made into a white, and is in great danger of being spoiled as a black."

The failures here and in the West Indies to develop the negro upon European lines have their correlation among the native Africans.

"The native has received what he calls civilization," says the Lagos West African *Weekly Record;* "but the *man*, the genuine *man*, has evaporated in the process. What, then, remains? Nothing. The African is not there; and the European, whom we think we *imitate*, is not there. The end will be the disappointment of the European and the extinction of the native."

It is plain that the education and uplifting of the crude negro along the lines now generally followed in the public schools of

the South is an impossibility. Miss Kingsley has put the case concisely. She asks, "What is it that has made the African useless as a developer?" and replies, "In my opinion, it is the sort of instruction he has received,— not that this instruction is bad in itself, but bad from being unsuited to the sort of man to whom it has been given" ("Travels in West Africa," pp. 669).

Booker T. Washington repeats this thought. "The negro," he says, "has been taken from the farm, and taught astronomy, how to locate Jupiter and Mars, how to measure Venus, taught about everything except that which he depends upon for his daily bread, — scientific agriculture."

What the negro needs, what the poor white planter equally needs, whose lands are exhausted by improvident and ignorant culture, is instruction in scientific agriculture by varied means: by farmers' institutes, held for a day or so, with lectures and a conference; by farmers' improvement societies; by lectures on special topics; but beyond, and far more important than all, by the establishment by the State of elementary instruction in agriculture in the country schools, of manual and domestic training in the cities and large towns, and by the training of women in handicrafts and agricultural economy, by which training habits of industry, thrift, and observation, which is the basis of intelligence and thought, can be acquired.

Professor Huxley, in answer to some queries of Mr. J. Harrison, who had read a paper upon technical education as applied to agriculture, said: "There are some general principles that apply to all general training. The first is that practice is to be learned only by practice. The farmer is to be made *by* and *through* farm work. The second is that school boys and girls should be led from the observation of the commonest facts to general scientific truths.

"I should not attempt chemistry or botany or physiology or geology as such. It is a matter fraught with the danger of spending too much time and attention on words and notions instead of things" (Huxley's "Life and Letters," vol. ii. p. 301). The advantage of such instruction, practically applied, would be speedily shown in the increased taxable value of the lands, due to increased production. For the negro the abolition of a condition of practical serfdom, the development of family life, the prevention or retardation of the exodus from the country to the cities, and the greatly in-

creased prosperity of the individual, the community, and the State, as the ratio of economic production and efficiency, is parallel to that of education."

It is stated that the average yield of wheat per acre in the United States is a little less than thirteen bushels, and of Indian corn a little less than twenty-seven bushels, and that the study of the soils, their treatment and adaptation to varied cultures, have led to the production of not less than forty bushels of wheat per acre upon land which had previously yielded but ten, and that the yield of corn had been increased from thirty to more than eighty bushels per acre.

As an illustration of what can be done with the exhausted soils of abandoned Rhode Island farms by a study of the soil, and scientific culture, including drainage and rotation of crops, the Agricultural Experiment Station of the Rhode Island College has produced 115 bushels of potatoes per acre by the first course of rotation and 319 bushels by the second course of rotation upon the same lot of land.

The yield of shelled corn has been increased in one instance from seven bushels per acre to eighty-nine bushels.

In other sections the hay crop has been increased from one-half to two tons per acre.

Proper instruction of the negro farmer would lead to the abandonment of expensive artificial fertilizers which at the moment are the *bête noire* of the small cultivator and the substitution of natural fertilizers, and to the return to the exhausted fields of the South the elements so long improperly removed; to the substitution of grains and other crops for cotton, and, where that staple is required, a greater production per acre; to the same careful and judicious business management that is needful in all other business enterprises; to the organization of co-operative agricultural societies for the production and distribution of crops, the purchase of supplies, and the saving and loaning of money. Under varied and intensive culture the profitable products of the land can be so increased as gradually and practically to dispose of the disastrous mortgage custom.

To accomplish these educational reforms, the secondary schools maintained for the negro at the expense of the whites can be easily abandoned; as for those who can afford the requisite time, they are superseded by the Agricultural and Industrial Institutes and

Mechanical Colleges, and by schools for manual and domestic training, which should be opened wherever practicable.

The negro in his present developmental status and economic condition has no opportunity for the higher intellectual studies, even if he desired it. The individual exceptions to this condition are rare; and, when they occur, the college course in the South or North is open to them. The trifling demand for secondary education is indicated by the fact that, of the three millions of the colored school population in the two Southern Divisions, but a fraction over 1 per cent. are receiving secondary instruction.

Of the entire population black and white of thirteen millions in the South Central Division, consisting of the States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma, but about 3 per cent. are receiving secondary education; and the average number of days of public schooling for life that each individual of these two Southern Divisions is able to receive is less than six hundred.

If this is the educational status of the whole population, it is evident that the negro, until he has by industry and thrift secured his training and opportunity and created the desire, has little need of secondary schools, and that the money spent for their maintenance can be more profitably and advantageously used in the development of elementary instruction in town and country.

We fail to find in the country at large an enthusiastic demand for public secondary education. In a large centre of population like New York City, we are told that 90 per cent. of the children leave school before they are fifteen years of age; and it is added that a large part of the remaining 10 per cent. are not worth extra educating, but get it because their parents can afford it (Coler, Comptroller of New York).

As the negro's education, moral and intellectual, is a public necessity, its cost should be borne by the State and made compulsory upon elementary lines, moral and religious training being placed above the intellectual, which, if alone cared for, will, as Professor Huxley maintained, "only turn the gutter child into the subtlest of all the beasts of the field." For children, wherever practicable, kindergarten training for the negro is of great moral value.

It has been wisely remarked that the pursuit of wealth is, after all, a great stimulant, and one of the first things to teach primitive people. If the Southern States in 1877 had acquired wisdom by

their unfortunate experience, had the courage of their convictions as to his absolute disqualification for citizenship, had shown less indifference to his welfare, had turned a deaf ear to the fastidious sentiment at the time prevalent in the North, and which was based on ignorance of the mental status of the crude negro, had adopted a rational system of education and insisted upon it, his moral, economic, and political condition would not now be a cause of anxiety to either race. Their lands would now be more valuable, the products much greater and more diversified; their court, prison, and criminal expenses much less; their elections purer; their educational expenses much diminished; the public safety much greater; the political conditions more equitable; the necessity for a limitation of the franchise obviated; and the depressing, retroactive, degenerative effect upon the white working-class of the negroes' low standard of living and of morals much mitigated.

The influence of the preponderance of an undisciplined and emotional class upon statistical crime is shown by the statistics of murders and homicides gathered by the Chicago *Times-Herald* during the last decade, giving the average number of these crimes committed during that period in each State of the Union.

Assuming these figures to be approximately correct, I find upon the basis of their populations in 1900, in the nine Southern States, where this class is most numerous,— namely, Texas, Florida, Louisiana, Alabama, Arkansas, Mississippi, Georgia, South Carolina, and North Carolina,— an average of one murder or homicide to each 4,657 of their populations. In nine Northern States where this class is less numerous and less dominant,— namely, Vermont, New Hampshire, Maine, Massachusetts, Illinois, New York, Connecticut, Rhode Island, and Ohio,— one murder or homicide to each 26,000 of their populations. These ratios are considerably smaller than if properly based upon the mean of the populations for the decade.

The average number of murders and homicides committed annually in all the States of the Union is said to be a fraction less than ten thousand. The ratio by States is as follows: North Carolina, 1 in 6,644; South Carolina, 1 in 6,064; Georgia, 1 in 5,817; Mississippi, 1 in 4,893; Arkansas, 1 in 4,300; Alabama, 1 in 4,000; Louisiana, 1 in 3,859; Florida, 1 in 3,336; Texas, 1 in 3,000; Vermont, 1 in 57,273; New Hampshire, 1 in 45,732; Maine, 1 in 38,581; Massachusetts, 1 in 29,222; Illinois, 1 in

15,306; New York, 1 in 14,195; Connecticut, 1 in 12,444; Ohio, 1 in 12,522; Rhode Island, 1 in 8,241. The latter State has a large foreign population.

Statistics of crime have to be taken *cum grano salis*. Our observation is frequently more correct than serried columns of figures. That observation points to a remarkable decline in negro morality in the past few decades,— a decline which is to be accounted for in part by the very feeble relation of our systems of public education to public morality, especially where the home influence is wholly absent or wholly bad.

The negro's industrial field is prominently and almost exclusively agriculture. Of steady application and concentration of attention such as machinery requires, he has proven himself incapable in his present developmental status. He inherits no ove of work for work's sake. He is deficient in technic capacity; and time, and time only, in well and philosophically directed effort can remedy these defects.

Of negro labor in the South, Charles B. Spahr, the special correspondent of the *Outlook* of New York, reports under date May 6, 1899: "Under ordinary employers the great mass of negroes work inefficiently when not under close supervision and even goading. Their irresponsibility, their inability to manage for themselves, and the disposition to relax effort when external pressure is removed are manifest. Again and again I was told that machinery does not pay with negro labor. In the furnaces at Birmingham, where the negro outnumbered the white ten to one, all the foremen I saw were whites. The reason given by the superintendent for this preference was not merely the greater ability of the whites to take the responsibility of management, but the unwillingness of the negro to be "bossed" by his own race.

There is a general ignorance or misapprehension of the feeble extent to which industrial training in farm and garden work has been carried among the negroes. In the last report of the Bureau of Education I find in the Southern States, the District of Columbia, and five Northern States, in the schools for the professional and industrial training of the colored race, 14,000 studying industrial branches, Of these but 9½ per cent. were in farm and garden work, and but 156 more students in agriculture than in theology, law, and medicine combined. In Tuskegee but 12½ per cent. of those receiving industrial training were in farm or

garden work; in the Hampton Institute, but 12.13 per cent.; in the whole State of Alabama, about 12 per cent.; of 2,017 students in Georgia, but 22 students of farm and garden work; in North Carolina, in 1,725, but 128; in South Carolina, in 1,649, but 93; in Missouri, in 208, none; in Texas, in 866, 12. The negro has a decided preference for professional work to farming.

In this particular he indicates his status and the trend of development in all primitive races that have reached the working stage, — which is toward the imaginary haven of rest from all work, — and illustrates the frequent result of overtraining on the intellectual side, — the dislike of manual labor, — a result not at all peculiar to the negro.

In Georgia more were studying theology than farm or garden work. In the early days of the Hampton Institute 90 per cent. of our graduates were teachers in the public schools: now (1900) about 60 per cent. of our graduates are teaching (thirty-second annual report), which, I think, is about the proportion of teaching graduates of the other schools.

The introduction of elementary instruction in agriculture into the common schools would increase the number of students of agriculture in the institutes, and utilize those already trained, whose knowledge is at present of no benefit to the public.

The Atlanta University (colored) has recently made a study of the college-bred negro. It reports the number of negro graduates from the year 1826 to 1865 as 35; 1865 to 1877, 215; 1877 to 1899, 1,899. Of those reporting their present occupation, "Over half are teachers, a sixth are preachers, another sixth are physicians, students, and lawyers, 6 per cent. are farmers, artisans, and merchants, and 4 per cent. are in the government service."

Two important conclusions of the study are that the great mass of the negroes need common school and manual training, and that there is a large and growing demand for industrial and technical training and for trade schools.

The negro, North as well as South, is unquestionably at the moment a sufferer from racial antipathy, — an antipathy less pronounced in the South than in the North. Racial antagonism is, however, among white races especially, accentuated by color and social conditions. It is virulent in the wilds of Africa, in the jungles of India, in the mountains of Thibet, and in the highly civilized communities of Europe and America.

As far as the negro of America is involved, it is more bitter in Boston and New England, which during the last century acquired and professed a sentimental regard for him, and in the Western States than in the South. The Constitution of Oregon excludes negroes and mulattoes, and prohibits their residence, the holding of real estate, the making of contracts, or the maintenance of any suit at law. The whites as a race want no negroes or colored men as neighbors, or club members, or church members, or guests at public hotels, or fellow-workmen, or as government officials, or attendants at places of public amusement.

The legislature of Tennessee prohibits the employment of white teachers in negro public schools. It would be much more reasonable and beneficial to offer the whites a premium for teaching in such schools. The *Christian Recorder*, one of the leading and most conservative negro journals of this country, remarks that "the lines of separation are more distinctly drawn in church, school, and in social intercourse than they were in the days of slavery."

In the capital city of Kansas, "a pivotal point in the contest of slavery and freedom," there is said to be "a manifest growth of color prejudice"; and, in the State where John Brown lived and fought for the liberation of the negro, he is told his place and expected to keep it. In this hostility, Indiana, Ohio, and Illinois follow Kansas, New York, Pennsylvania, and New England.

The negroes of Georgia and of Massachusetts, met in convention, agree in protesting against their treatment by the party in power. The negroes and colored men of New England, gathered in convention in Boston, complain of unjust discrimination by political parties, by merchants, by manufacturers, by benevolent associations and landlords, no distinction being made as to color, intelligence, character, deportment, or means. In short, Massachusetts opens her schools, but shuts her shops, which are open to them in the South.

Unfortunately, this antagonism is not confined to the whites. In the West Indies, where the negro has governmental control, it is a proverb that "the white has no rights the negro is bound to respect." In Liberia, the refuge of the oppressed American negro, none but persons of color are admitted to citizenship, no one can vote unless an owner of real estate, and no citizen can purchase land of the natives, and taxation without representation is a condition.

In addition to racial antagonism, we find inter-racial discrimination. In the West Indies, upon the various islands where the negro abounds, the discrimination between the negro and the mulatto is insisted upon by the former. Spencer St. John regarded it as "a most disastrous circumstance." In Hayti the mulatto is said "to hate his father and despise his mother," — a hatred that has been the potent and frequent cause of political and social disturbances.

The San Dominigo government is described as a mulatto government, and the Haytien as a negro. In Liberia, peopled by the refugees from the demon of race discrimination, we find it again established in force within their own lines. The Bushman is not recognized.

In our own country, where the pressure from the dominant race tends to solidify the two opposing elements, it has a more or less active influence, depending upon social and political conditions. The feeling in the United States between the blacks and all shades up to whites, says Thomas Fortune, "has always existed, even in the days of slavery. Thoughtful men have watched this manifestation, with more or less apprehension, as being the most dangerous element that could possibly be injected into the already complex problem." The amelioration of these mutual antipathies is a phase of the problem which presses itself upon the attention and stimulates the effort of all educators and sociologists. A great factor in its solution will be found in the accumulation of wealth by industry and in the prevalence of the industrial spirit.

The franchise among civilized nations is not a natural and inalienable right. It is a privilege which should be granted only to persons properly qualified to exercise it. The Puritans maintained the right of exclusion, and that no man had a right to come to them without their consent. The Massachusetts, Rhode Island, and New Haven colonies granted the franchise to none but members of some one of the churches. This was as much a political as a sectarian regulation, and its intention was to guard the liberties of the infant Commonwealth. Massachusetts and other Northern States now require an educational qualification. Rhode Island, in addition, requires a property qualification in municipal elections.

The territorial legislature of Oklahoma, three years since, disfranchised the negro. The ignorant voter, white or black, is a

perpetual menace to law, order, and the rights of property; and pure elections, public morality, and public honesty are subservient to his rule or ruin. As a result, the respectable candidate for public office is compelled to submit to defeat or purchase victory with the sacrifice of principle. It is sufficiently manifest that we have here to deal with conditions, and not with theories; and North, South, East, and West practically agree in the conviction that ignorant suffrage is a failure and a curse. We have to deal with racial antagonism and ignorance, and no one will dispute their existence nor the possibility of modifying their influence by education.

The negro, the poor white, and the foreign-born citizen, just entering a new birth in a strange land, are equally unqualified by the standard of our civilization to exercise political control. Upon these classes, privileges have been bestowed which they have proven themselves unqualified to enjoy, and, until qualified, the privilege should be suspended. Equality is only possible in the abstract: in the concrete it is not only non-existent, but impracticable. The impartial interdiction of the franchise is not an irreparable loss or misfortune to any class. On the contrary, it is not only stimulating to the individual, but a conservator of moral purity in the individual and in the community. Its partial racial interdiction is, however, not only a gross injustice, but a subversion of equality under the law. This, with the proposition to compel the negro to support his own schools, will, if carried out, surely return to torment the inventors in increased crime and taxation. "It is as much of a mistake," said Lord Bolingbroke, "to depend upon that which is true, but impracticable, at a certain time, as to depend on that which is neither true nor practical at any time."

That ignorant suffrage — black or white — is dangerous, revolutionary, and impracticable in a free government is self-evident. The mass of the negro farming population knows nothing of national politics or of distinctive party measures, or of local or State interests, and have no interest in them. Of Abraham Lincoln, who gave them their freedom, the older ones possibly have heard; but of the name of the chief magistrate of the nation or State they are ignorant.

The present Mississippi Constitution provides "that every elector shall be able to read any section of the constitution, or shall be able to understand the same when read to him, or give a

reasonable interpretation thereof." The decision of the Supreme Court, affirming the validity of this clause, declares that a State can limit the exercise of suffrage, although the restrictions imposed may apply to one race only. It is not a discrimination against a race, but against its ignorance: it is not a deprivation, but a suspension of a privilege. To this suspension neither the honest, unlettered citizen, who has in mind the welfare of the community and the preservation of his property, or the honest politician, or the philanthropist, who has the best interest of his ward at heart, can reasonably object; and the negro, of all contemporaneous races would seem to have the least historical ground for complaint of any restriction of the franchise.

When the American negro had established or acquired the control of a government under a constitutional form in Liberia, he deprived the white man of citizenship. Hayti, where, after a century of revolutions, there remains "but a semblance of civilized government," "until recently also restricted citizenship and the right to possess property to the negro" (Hill).

"Among the Teutonic Batavians — the Germanic inhabitants of Holland — the primitive government was popular, suffrage was universal, and the sovereignty resided in a kind of national convention. The power of the chief did not exceed that of the citizen, and his authority was subject to the latter's control" (Pratt).

The Dutch Republic of 1581 — the inheritor of these principles — was the political expression of the Netherlanders' devotion to civil and religious liberty, and of their bravery in defence of it; and yet, strange to relate, under this new departure, with great apparent inconsistency, there was no popular representation. The States-general was supreme; and the citizen, the most intelligent and cultivated of his class in existence at that period, was not individually recognized. Because of this intelligent and patriotic citizenship, its extraordinary devotion to the public welfare and forgetfulness of *self*, the commonwealth continued to exist as a great and flourishing republic during more than two centuries. Instead of *popular* rights there were for the large cities, with extensive districts, *State* rights. The villages under their government were rather petty States than principalities. The Guild voted in the broad council of the city as one person. The city voted in the estates as one person. It was a *privilege*, not a *right*, to participate in the acting government. The people,

the citizen, in theory, did not exist. They had not been invented; but with a freedom-loving people the republic was possible, says Motley, "exactly because the people was intelligent and energetic" ("United Netherlands," vol. iv. p. 566).

The negro citizen, excepting in theory, has not yet been invented. He has yet to qualify himself for the franchise and for citizenship. In the mean time his duty is to patiently submit to the guidance and government of those superior in intelligence, who are in power and authority. The exercise of the franchise is not necessary to his happiness or economic independence until he has sufficient intelligence to appreciate its responsibilities and its obligations, and is able to understand that "true liberty dwells only in servitude to law, which is the function of reason."

Enthusiastic optimists, ignorant of the feeble extent to which industrial education has been applied in the South, declare the negro problem to be solved. As Mr. Curry remarked to the Georgia legislature not long ago, "The man who thinks the negro problem settled is either a fanatic or a fool." It is not solved; but, when the masses, beginning with industrial training in the elementary school, have acquired habits of morality, industry, thrift, economy, and self-control, powerful factors in its solution will be developed. Upon these heights his eyes will be opened, and the great truths will be revealed that upon himself alone the ultimate solution of his economic and social problem depends; that his emancipation from a condition of practical serfdom — present and prospective — must be the result of his own effort; that a system of education, to be of service to him, must honestly, practically, and philosophically recognize the difference in the present development of the two races; and that the highest intellectual development and social organism are correlative with the widest and longest culture.

The pleasing aphorism that all men are born free and equal, and the statement that all material progress depends upon social equality, are generally accepted because so flattering to our pride and dignity; but equality is found nowhere in nature, in mind, in person, in the animal or vegetable kingdom. Neither does an equality of opportunity ever produce an equality in results. Unfortunately, therefore, wherever these fallacies may be entertained, they are not realized in human experience; and they remain in the realms of imagination and of abstract ideas. Hard experience

proves to us the great inequality in heredity and in physical and mental ability. In a theoretic sense we are "born free and equal." We do not remain so because of this inequality in opportunity, in natural ability, and in heredity. That there is no absolute economic equality is also very obvious; for, as observed by Mr. Mallock, the "vast majority of the community have necessarily to give their lives to the performance of manual tasks." It is also evident that there is no absolute relation between the ability and desire and the opportunity to work, and that perfect political, social, and economic equality would not only destroy all progress in civilization, but soon destroy that we have already attained.

In conclusion, to apply the wisdom of Miss Kingsley to our relations with the American negro, "there must be administrative and sympathetic co-operation between us, the ruling race must seek to understand the other, make allowances for its weaknesses, recognize its strength, its potentiality for good and evil, and treat it justly."

2. THE EDUCATION OF THE NEGRO.

BY PROFESSOR KELLY MILLER, OF HOWARD UNIVERSITY.

[Read Thursday morning, April 18.]

The education of the negro is not, of itself, a thing apart, but is an integral factor of the general pedagogical equation. Race psychology has not yet been formulated. No reputable authority has indicated just wherein the two races differ in any evident mental feature.

In proposing an educational scheme for the negro, we should bear in mind the educational constants which admit of no ethnological variation. Knowledge and virtue have no ethnic quality. The Ten Commandments, the Sermon on the Mount, and the Multiplication Table allow no latitude for racial idiosyncrasies. The common trunk of the tree of knowledge may send forth branches in many directions to meet local, economic, and temporary needs. Many of our educators would establish for the negro a racial tree of knowledge, with its own peculiar roots, limbs, foliage, flower, and fruit.

A wise educational scheme for any class can be prescribed only in the light of its comprehensive status. The needs of the race sweep the entire circle of human interests. It can thus be seen what a complex and difficult task one enters upon when he undertakes to prescribe an educational régime for such a people. It is plainly evident that no single programme is adequate to such a wide circle of needs.

The dual function of education is to enable the recipient to make a living for himself, in order that he may make something out of himself. Life is more than meat. No system of education worthy of the name can be based upon the temporary expedients of a livelihood. While it must take cognizance of such stern necessity, yet it should leap swiftly beyond them to the development of the enduring qualities of mind and soul.

The negro's education, therefore, has a larger function than that of the white youth who has only to qualify for a prepared place.

The futile discussion as to whether industrial or higher education is of greater importance to the negro is suggestive of a subject of great renown in rural debating societies: "Which is of greater importance to man,— air or water?" We had as well attempt to decide whether the base or the altitude is the more essential element of a triangle.

1. The negro needs industrial training because nine-tenths of the race must make their living by some form of manual exertion for all time which we have the data to calculate.

The crude, shiftless, wasteful, slovenly methods of work which prevailed under the slave régime will not answer modern industrial demands. Unless the negro learns to work with intelligence, science, and system, he will be relegated to the crude, bone-breaking, dehumanizing forms of labor by the fierce rivalry of the age; and his last industrial state will be worse than the first.

2. In the second place the school is the only avenue through which the negro can form an acquaintance with the higher methods of the industrial arts.

Trades-unionism, with its narrow-minded policy, acts upon the principle of industrial restraint. Its avowed creed is that competition is the soul of trade, but the death of the trades. It seizes upon the prevailing prejudice as a show of justification for excluding the negro, his color being utilized as a badge of identification. The industrial school, therefore, is the only means by which the race can form connection with the industrial current.

3. The negro belongs to a backward race, and has had little experience in the practical handling of things. The white man has been in control of the world's affairs for many generations, and has acquired a practical coefficient of skill which has become a part of the heritage of the race. The negro, on the other hand, has never interpreted thought in terms of things. He is therefore deficient in practical judgment and executive force. There is no close co-ordination of faculties. Sentiment overrides sense: the energy of the will is too feeble to put in execution the conceptions of the intellect. The deficiency can be made good only by manual training which focusses the hand, the eye, the intellect, the sensibilities, and the will upon the accomplishment of a given task. This training is essential, not merely for its industrial value, but also as a means of race development.

It is not so much technical handicraft, however, but a deeper

incentive and broader perspective that the negro needs in order to stimulate his lethargic energies. The ignorant peasant, without rational conception of the object and end of labor, is urged to exertion only by the principle of physical necessities or the sterner compulsion of force. The enlightened freeman, on the other hand, delights to toil because his larger range of vision can see it transmuted into independence, wealth, honor, and power. Training in the three R.'s, with a smattering of handicraft, even with Sunday-school maxims thrown in, will not qualify the recipient to enlighten the ignorant, restrain the vicious, care for the sick and afflicted, or administer spiritual solace to the weary soul.

According to the census of 1890 there were fifty-four cities in the United States with a population of more than five thousand persons of color, averaging fifteen thousand each, aggregating eight hundred thousand in all. The professional needs of this urban population alone called for five thousand well-equipped men and women, not one of whom would be qualified for his function by the three R.'s or a handicraft.

The charge has recently been made that the money spent on the higher education of the negro has been wasted. Does this charge come from the South? When we consider that it was through Northern philanthropy that a third of its population received its first impulse to better things; that these higher institutions prepared the 35,000 negro teachers whose services are utilized in the public schools; that the men and women who were the beneficiaries of this philanthropy are doing all in their power to control, guide, and restrain the South's ignorant and vicious masses, thus uplifting the general life to a higher level and thus lightening the public burden; that these persons are almost without exception earnest advocates of harmony, peace, and good will between the races; to say nothing of the fact that these vast philanthropic conditions have passed through the trade channels of Southern merchants,— it would seem that the charge is strangely incompatible with that high-minded disposition and chivalrous spirit which the South is so zealous to maintain.

Does the charge come from the North? It might not be impertinent to propound a few propositions for consideration. Is it possible to specify a like sum of money spent upon any other backward race which has produced greater results than the amount spent upon the Southern negro?

The negro is indebted to the North for much of the progress he has made since emancipation; and, like Jacob wrestling with the angel, he will not let go until he has received a larger measure of blessing. He needs more of its economic habit, industrial thrift, strenuous spirit, and enlightened view of life. This has been imparted mainly through the colleges, universities, and industrial schools which Northern philanthropy has planted in the South. The North is appealed to to continue the lines of work which fall beyond or at least outside of the scope of public instruction.

The Northern college is not apt to inspire colored youth with the enthusiasm and fixed purpose for the work which Providence has assigned them. It is not the letter, but the spirit, that maketh alive. It is almost inconceivable that Booker T. Washington could have received his inspiration other than by actual contact with the problem of which he forms a part. The white college does not contemplate the needs of the negro race.

American ideals could not be fostered in the white youth of the country by sending them to Oxford or Berlin for their tuition. No more can the negro gain racial inspiration from Harvard or Yale. And yet it would be a calamity to cut them off from these great centres of learning. They need the benefit of contact and comparison, and the zeal for knowledge and truth, that these great institutions impart.

We are all too anxious to solve the race problem, although it clearly baffles our highest wisdom. Who can tell what its ultimate outcome is to be? Our concern is with duty, not destiny.

> "Heaven from all creatures hides the book of fate,
> All but the page prescribe their present state."

If a person is drowning, the law of human impulse demands his rescue, without stopping to inquire as to his complexion, racial identity, or future relation to society, but immediate and unconditional rescue. And so the negro should be rescued from ignorance, superstition, and vice, without idle speculation of what the future may have in store. Statesmen, philosophers, and philanthropists, alike, need to sacrifice their pride of theory, and content themselves with one step in the direction of duty, without asking to see the distant scene.

3. HIGHER EDUCATION IN THE SOUTH.

BY HON. WILLIAM T. HARRIS, LL.D., COMMISSIONER OF EDUCATION.

I shall commence my remarks by calling attention to the condition in the South in regard to the distribution of taxes for schools. There has been a great deal said about that, and every time there is a new constitutional convention in one of the Southern States the proposition is brought in by some one to apportion taxes for colored schools in proportion to the amount paid by colored tax-payers, but that has not, so far as I know, been adopted in any of the Southern constitutions. The Southern constitution decides how the State tax shall go for education, but the laws in some of the Southern States give the proportion of local taxes in accordance with the race that pays it. I will read you some of the provisions in regard to that: they have been of long standing. In Alabama, for instance, away back in 1885 the law said, "Poll taxes paid by each race in each township or school district must be used for that race in that township or district." The school fund apportioned in 1888–89 was $370,420, of which $204,000 went to the whites and $165,000 to the colored schools. It was distributed in proportion to wealth without attempting to distribute it so that each colored child should have the same as the white child. Of course, a white child in a high school would take a little more for tuition; and that would make some difference in the amounts. In addition to the $165,000, the colored schools received the poll tax paid by colored voters, and from these funds the colored teachers were paid $201,000; that is, adding the amount received from the poll tax to $165,000, you have $201,000 that went to colored teachers.

In Delaware the school laws of 1881 provide a tax of thirty cents on the hundred dollars, and as assessed on the real and personal property and poll of colored persons, this is to be set aside as a separate and distinct fund for the support and maintenance of colored schools in each hundred. The amounts received from each hundred — that is, civil division — are to be used for the

schools in each hundred. This was a provision that made local taxes go for the support of colored schools. In addition Delaware very generously and nobly made an appropriation every year of quite a large sum of money from the State to support colored schools.

In Kentucky, in the laws of 1886 for local taxation, there was this regulation: "No tax shall be levied upon the property or poll or any service required of any white person for the benefit of a school for colored children, and no tax shall be levied upon the property or poll or any service required of any colored person for the benefit of a school for white children." There was an attempt to bring this provision into the new constitution of Kentucky, but it did not succeed. It was decided that the State funds of Kentucky should go to white and black, without distinction of color; and I will read you some figures in regard to Kentucky that will show that the proportion of the State fund is nearly as much for each colored person as for each white person.

In Maryland it is provided that the total amount of taxes paid for school purposes by the colored people of any county or in the city of Baltimore, together with any donations that may be made for this purpose, shall be devoted to the maintenance of the schools for colored children.

In regard to the general situation, taking the colored elementary schools all through the South,— sixteen States,— it will be remembered that all of them had slaves in old times, including Missouri even. Looking back to 1871, the amount paid out of public taxation for colored schools amounted to 49 cents for each person of school age of the colored. We have to keep the school age in view, or else we cannot understand the justice of the apportionment. There was $2.97 — that is, just a trifle more than six times as much — paid per pupil for the white race from the public taxation, on the average, throughout the whole South in 1871. In 1898 the apportionment for the white was $4.25,— that is, it had increased from $2.97 for each white child of school age up to $4.25 a year or two ago,— and for the colored it had increased from 49 cents to $2.27,— that is, it had risen to more than 50 per cent. of the apportionment for the white race. Whereas formerly there had been six times as much given to the white pupil, now only twice as much is given. Of course, the colored teachers do not get as good salaries as the white teachers. The white teachers do

not on the average get a higher salary for their elementary work, but they get a much higher salary for their work in high schools. But that is not so bad as it looks; that is to say, if you take corresponding classes of white pupils who do not attend so many months, and only attend elementary schools, and estimate on that amount, it would come somewhat nearer $2.27. That is the status at present. The amounts given by the State go to the education of each one of school population.

Again, not one-half of the school population are in school. The school population for the whole country, taken loosely, is from six to eighteen years; and of course it is not expected in any State that children will begin at six and go on until eighteen years. They do not attend one-half of that time in any State. In Massachusetts the total amount of schooling given only amounts to seven years of two hundred days each; and, as Mr. Stetson remarked very truly, the amount of schooling for the whole population in the Southern States amounts to only six hundred days: in some of them it is only five hundred days. The average for the whole United States now is only one thousand days,— that is, only five years of two hundred days each,— and it has been increasing all along.

I have given you two extremes,— 49 cents for the colored people at the beginning and $2.27 for them at the end of the period. In 1880 it got up to $1.01 for the colored, and the white had decreased from $2.97 to $2.64. In 1890 the colored had increased from $1.01 to $2.16, and in 1898 to $2.27. It has not been increasing very rapidly in the last nine years. During that time the amount for the white people increased from $3.79 to $4.25.

Before I come to the main point I wish to speak of, which is that of the increase of the industries of the United States and the improvement of the South by means of that, and the hope that comes from it, I would say that what has been said about homicides is incorrect as it now stands; that is, unless the data to be taken from the United States Census are incorrect. I have been in a controversy, so to speak, with some newspapers in England that have been printing statistics of our homicides. On investigating the matter I found that their authority was the Chicago *Tribune*. This paper has been publishing statistics of a sensational character apparently adding together all the reports of homicides that have appeared. The only statistics we have that are

worth anything are those of the United States Census, which show the total number of persons in prison at the time of the census and what they were there for. These figures show that the total number of homicides in the United States per year cannot be anything like 10,000 nor even like 2,000. I cannot understand these exaggerated statistics of the number of homicides, except by supposing that when the same murder is reported more than once, perhaps in a little different way, each report is accepted as a new case of homicide; and it may be that that is the way in which this census of homicides of the United States has been made up.

In general, it is true that there is a larger number of homicides in the Southern States as compared with the Northern States; and that is proved by the census of the prisons. In regard to the number of criminals reported for Massachusetts, it is true that there are more people arrested in Massachusetts than in other States; but it is because certain things that are not deemed crimes in other States are considered dangerous in Massachusetts, and, when you come to analyze the statistics for Massachusetts, you will find that the arrests are for vice instead of crime. For instance, in 1885 there were 18,000 cases of arrest for drunkenness while there were only 3,000 in 1850; but, when you come to consider the crimes against property and against life, there is not a very bad condition in that regard. It was more dangerous to get drunk there, but property and life were a great deal safer.

I want to mention the exact figures which Kentucky paid last year for each person belonging to the school population. For the colored child it was $3.34, and for the white child $4.59, showing how careful Kentucky is to carry out the general law of the State and to see that the colored child gets his part. This matter, as I said, is discussed every time a new constitution comes up. In the *Post* of yesterday there was a noble letter from one of our senators, a senator from Virginia, giving advice to those persons who are agitating the question as to whether they had better limit the colored schools to the amount that the colored tax-payers pay in.

Last year I mentioned some statistics with reference to the higher education of the colored people; that is, high school and college education. They will bear repetition, because there seems to be a great deal of essay writing on the subject of the waste of money for colored education in the South, on the supposition that

it goes for things that are of no use. A person who says that money is wasted for colored people in their schools ought to consider that knowing how to read and how to write is not a waste of money, because it fits a person to get out of that immense class of people who only know language by the ear and can never grow to much learning. It makes him an eye-minded person,— a person who can think in printed words, and who knows how to read, knows how to fill the mind every day with information that is coming to him in regard to the human race all around the world.

In regard to secondary education of the colored people in the South, I will say that in 1880 the entire country had 4,362 persons in each million in secondary and higher education, counting the colleges and high schools, and also the preparatory schools and those under private tuition; of the colored population 1,289 were colored pupils. While you would not expect, of course, that the colored people should have a quota as large as the whites, it does look as if they were being over-educated at that time,— over-educated in algebra, learning a little more mathematics than arithmetic, learning something of physical geography, learning something about natural philosophy, learning about light, electricity, heat, and all the forces of nature.

In 1890, ten years later, the number of colored persons in high schools and colleges had increased to 2,061 from 1,289 in the million. That was quite an increase, showing that they were in earnest and were improving their condition, and that a larger number of them were able to continue their work in the public high school. From 2,061 in each million of the colored, the number increased to 2,202 in 1898. It increased during that period about 150 in a million. In the mean time the general average for the whole United States, including mostly white people, had gone from 4,362 up to 10,342,— a most enormous and unprecedented increase in the number in attendance on secondary education. The increase of wealth had been felt; and the feeling of the people all over the United States was in favor of educating their children above elementary schooling, giving them a knowledge of these directive power studies that I mentioned,— in mathematics, in language, in physical geography, and especially in natural philosophy. Although the colored ratio increased materially, the increase for the whole nation was so much greater that from being three and a half times as much it has gone up to five times the

quota of colored pupils. The average standard of the whole nation in regard to higher education in high schools is five times that of the colored quota. Of all colored pupils, only one in one hundred was engaged in secondary and higher work; and substantially that ratio has existed for the past twenty years. Education in the South has not advanced with its colored people towards secondary and higher education nearly so rapidly as with its white pupils. That increase is a very wonderful thing when we consider the old-time idea which was to limit public education to elementary education of the lowest sort; but the people in general have set themselves against that, and have established high schools. One of the most remarkable things I know of is that during the past nine years the public high schools in the South have increased from 343 to 1,215, and during a time of a great deal of financial trouble; and in the whole United States the number has increased from 2,600 to something over 6,000.

I think that the secondary education needs increasing quite as much as the other education in the South, because in the old times there was a great deal of education that came from the influence of the slaves who lived in the planters' families. The household servants got excellent manners, and moral ideas, and more or less directive power. The isolation of the colored persons from the best white people makes it seem necessary that they should have their professional people. Think of the influence of those 200 colored preachers that have gone out of the university in this city and taken the places of 200 others who would have, as I have estimated, in their minds 95 per cent. of superstition and only 5 per cent. of eternal verity, and of the importance of having persons that take the modern Christian view founded on causality and natural science, and not the Christian view of ages ago, when there was nothing but superstition. Of course, the Christianity that brings in that divine love of sacrifice of one's self for others may have a great deal of superstition, and still the devotee be a saintly person. The person of influence and of education might inspire another, perhaps, to become a Booker Washington; and I should be sorry for anybody, of the white race or any other race, if he did not feel it an honor to the whole human race that such a man as Booker Washington existed and has done what he has done.

I think that the time has come when there should be national aid. That was discussed a great deal in former times. I think

there ought to be national aid to help the Southern States lift this burden of education and carry it along. This is a subject I might talk a great deal about, but I merely desire to mention it.

The point I wish to speak of in closing, and which I think deserves careful consideration, is that of the increase and development of industries to such an extent that thirty years ago there were only one-fifth or one-sixth as many persons in each million engaged in manufacture as there are to-day. An enormous increase of capital has taken place in that time, so that it runs somewhere from $30 to $160 per individual. The capital that goes about looking for profitable investment never was so powerful as it is to-day, and by its combinations makes the desert blossom like a rose. It takes a little stream that runs lazily along from the mountain top down to the sea, and harnesses it and makes it do manufacturing. Between 1880 and 1890 the total product of the United States increased from 44 to 52 cents per day for each inhabitant, and a large proportion of that increase was due to making the steam-engine do the work of the individual. In a great many industries the colored people do not do very well, but there are some in which they do better than white persons. I have seen some industries in Western North Carolina requiring a great deal of skill where the colored person was a little more steady and, though not so fertile-minded, he answered better as a laborer than the poor white person, because the poor white had been for a great many years living in part on what he could kill with his rifle in the mountains; and, although in mountain life he had a great deal of Anglo-Saxon energy and knowledge, it had not been brought down to the point where it would be so useful in manufacturing as that of the colored people. And in this connection I would suggest that, when skill and capital move more and more to the South, there will be industries in which the colored people can be better employed than the whites, and a quota of colored people will be lifted out of farming. It has been often asserted that the South is always to be an agricultural region, and that nothing but agriculture should be looked to by the colored person. No greater absurdity could be committed than to make such a supposition as that. In those States where there is a division of labor we know that agriculture there becomes more profitable. Agriculture in New Jersey and in Connecticut, for instance, is worth just $600 a year per family, while in States where there are

no manufactures it is worth only $300. By market gardening and all sorts of diversified industries that last all winter, and by the investment of capital in ways not otherwise possible, the farmer gets his quota of wealth. The farmer for the whole United States does not get half his quota compared with the manufacturer, and the great future of the South depends upon bringing in these manufactures in all sorts of ways. They must grow in greater volume and with greater rapidity. There is such momentum in Massachusetts now that it has raised the product of commerce and manufactures of that State alone to twice the average of the nation as a whole. You see, therefore, the immense advantage of industry. Even some of our agricultural States — as, for instance, California and Minnesota — that have an enormous agricultural product with a small amount of manufacturing do not come up to those States that have very poor soils and yet have great diversification of industries.

I have thought a great many times that the future of the colored people of the South is not hopeful; but the more I study it and the more I look into this movement, and see the changes that are being made in places that are rapidly peopling in the South,— that is, large villages growing into cities and country places growing into villages,— the more I think that the solution is to be an entirely favorable one,— that the colored people in the future have a very great career,— that they will show their usefulness and what they can do.

Of course, this Social Science Association does not admit for a moment that there is any human being on the face of the earth that should not be a matter of interest to civilized man and a matter of sympathy, not to be criticised coldly and passed off as amounting to nothing; but the sociologist looks at the lower race and tries to see how he can help him, how he can lift him up, because the ideal of our civilization says that he who has lifted up these lower persons has imitated the Divine Being,— that is, God lifts up animals as well as human beings, and plants and rocks and trees and everything of that kind: the Divine Being is lifting up all of these things,— and man becomes an archangel or a saint or a cherub or a seraph by his ability to do that. It is not best for him to build a boat and row off by himself away from his fellowmen, getting up to some elevated point of culture and refinement, and say that the rest of mankind are going to some other place

than heaven. The persons who really take hold to help the rest are the ones who are going heavenward.

After the reading of the above papers the following debate ensued upon the general question of the Progress of the Negro:

Mr. F. B. SANBORN.— I have been interested and amused at points during the reading of the papers and at the remarks which have been made. An Englishman, Professor Jowett, once remarked — and I think it is appropriate to this discussion — that none of us is infallible, not even the youngest among us. When I heard the remarks of Mr. Stetson, I was reminded of this observation of Professor Jowett, because, if human history has taught us anything, — and I think it has taught a few lessons,— it has taught us not to predict with reference to what any branch of the human race can do hereafter. We know very little what the human race has done in the past. History is a very fallible guide as to what has happened in the past,— there are a great many omissions, — but as to the future we are absolutely in the dark; and I agree with the suggestion just made by Dr. Harris, that the Divine Being presides in a manner opposite to that of these predictors of the future. I observe that the persons who state with greatest confidence what will happen in the future are persons who take a dark view of human nature. I am inclined to think that the Ruler of this universe knows a great deal more about the future than any of us; and, if he has presided for thousands and possibly millions of years in the direction of elevating the lowest, I believe we cannot go astray in following his example.

A few observations might be made in regard to one or two points that have been brought out, and I can question a little Dr. Harris's observation about homicide. That is a matter which we have often discussed in this Association. He mentioned that the punished homicide of this country is much less than the actual homicide; and I am inclined to think, although I do not know the gentleman who makes up the figures for the Chicago *Tribune*, that he is nearer the facts in regard to actual homicides than would be inferred from the figures of the census. Homicide in this country is, unfortunately, very frequent; and I am inclined to think it is increasing. It is increasing in Massachusetts, which has been spoken of as superior in some respects to other portions of the country.

I want also to suggest to Mr. Stetson that the great author of the remark that all men are created equal did not say that all men are *born free and equal* I am not aware that any person possessed of good sense has ever made that observation. But what Mr. Jefferson said, and what events show, and, in my opinion, will show hereafter, was that men are *created equal* and have certain inalienable rights. Now that means simply what the old Greek writers meant when they dwelt on the superiority of the Athenian constitution above that of other Grecian states,— that persons were equal before the law, that human justice cannot take cognizance of accidental distinctions between one human being and another. In that sense all men are created equal. Nobody supposes that equality ever has been or ever will be the condition of the individ-

uals of the human race. You might as well say that equality of sex was to prevail, that there would come a time when the whole race would be either men or women. No such time is expected, certainly not in Massachusetts. And it is so in regard to social and even political equality: they do not exist, they never have existed, they probably never will exist. But when the superior being, the person possessed of privileges and advantages, feels authorized to say that he will make a distinction between the children of God,— something that Mr. Jefferson persistently denied,— in spite of certain influences in this country at the present time, I think the human race will persistently deny everything except the doctrine of intrinsic equality. We owe our color, of course, not to ourselves, and not always to our fathers; but, such as it is, it appears to have no effect in establishing intrinsic differences between the members of the human race; and, as we are now recognizing that human history is a much longer and much older record than was supposed fifty years ago, we may hope that the present differences between one man and another will gradually be removed,— that they are differences of condition, as has been well said by Professor Miller, and not differences growing out of distinctions of race. The distinctions of race are great and obvious, but I do not think we know perfectly yet what all those distinctions are. The races of mankind in the part of the world most familiar to us are extremely mixed; and, when Professor Miller said that the transfusion of races in this country has been very great and has affected almost every individual of the colored race, he made a profound observation, and one which will attract more attention hereafter, as the questions of race and race mixture are more thoroughly studied.

Now there is a race, or what professes to be a race, well known among civilized people,— the Hebrew race,— which assumes to be one of the pure races. Its members have taken great pains during many centuries to preserve the purity of their race; and yet I think any person who has travelled extensively, and has seen this race in different parts of the world will be satisfied, although he may not be prepared to state it, that the Hebrew race itself is a very mixed race. If it is true that this particular race, which has taken such pains by its religion, its social customs, and its habits of life to preserve its racial purity, is a mixed race,— because there are black and yellow Jews and there are Jews of every form of stature and feature,— then the ordinary races (our own, for instance, and what we improperly call the Anglo-Saxon race) must be extremely mixed. I would not advise anybody of any race to make observations as applied to himself which are drawn from the history of any particular race.

I have observed one trait in the race to which I suppose I belong — that is, the Anglo-Norman — that to-morrow I propose to call the attention of the Association to casually, and which the people of this country ought to consider. I believe there is no association of people calling themselves a race, on the face of the earth, that has ever been so predisposed to fraud as the Anglo-Norman race, sometimes called the Anglo-Saxon race; and this very pure race which I have mentioned — the Hebrew race — has been under suspicion, you know, for some centuries as being somewhat affected by the same peculiarity. I am inclined to think that, if the race to which I belong can pride itself upon any distinction, it is a distinction in fraud. It is visible in the early history of

the Norman chiefs and the Norman kings. England has had a great many excellent rulers, but it has had none quite so competent in deceit and chicanery and hypocrisy as her early Norman rulers, and that trait has been handed down to the present day.

In closing, I would call attention to the fact that to-morrow, in the department over which I am to preside, we shall have another phase of this question of the condition of the Southern people,— namely, the land-owning among the industrious classes; and I shall be glad to have those who have any information to give or any suggestions to make concerning the owning of land by colored people in the South take part in the discussion.

Mr. GEORGE HERBERT BEAMAN, of Washington.— I desire to make a statement. I have lived here thirteen years, and have been studying the colored race. The last time I talked with Frederick Douglass he asked me why I did not come forward and help him to organize his race to defend their rights in this city and country. I told him I was afraid to do it: I knew what the consequences would be. The colored people have never had their rights established in this country. They are not established to-day, and it is one of the greatest menaces to this country we have. Senator Morgan has publicly stated that the colored race should be sent out of the country. I, as a Christian man, challenge that statement. I claim that it is the duty of the white race to educate the colored man. I was talking yesterday with a man who has been living in the South,— in Virginia and North Carolina. I found that he was one of the best posted colored men on the question I have met. He told me that the higher education of the colored race in the South was a failure; and, if I should state why it was a failure, it would bring the blush of shame to your faces. It is a challenge to the black race of this country. It is partly saying to them that they are not citizens of this country. We welcome the Italians, the Russians, the Englishmen, the Irishmen, the Scotchmen, and the Frenchmen to this country; but here are our own citizens, born in this country, to whom we refuse their rights. I declare that we must meet this question. When Representative Clark introduced in the House of Representatives his resolution giving to the black man the right of suffrage in this District, I told him that I would do everything I could do to aid in the work. I am therefore enlisted in that service, and I propose to fight it out. I propose that the black man shall have the same rights as the white man,— all those rights guaranteed under the Constitution.

Mr. SANBORN.— I want to ask the gentleman if he remembers the time— and it was not so very long ago — when the Supreme Court of the United States decided that no colored person in America was capable of bringing a suit in a court. Now, if in forty-four years we have come to the present condition, I think he must take courage. He must not expect too much. We have made so much progress in forty-four years that it is probable we shall go on; and, though neither he nor I may live to see the result, we should be hopeful.

A GENTLEMAN.— I should like the speaker to state the rights the negro is denied.

Mr. BEAMAN.— The negro practically has no rights in the Southern States of this country. I think no one will deny that statement.

The CHAIRMAN (Dr. ANDERSON).— I desire to state that one of the rules of the Association is that those who take part in the general discussion shall limit their remarks to five minutes, and only those members of the Association are eligible to speak.

Mrs. ORRA LANGHORNE, of Virginia.— It is probable that I am the only representative of the ex-slave-holders of the South in this Association. I was born a slaveholder, and came of slaveholding ancestry. My great-grandfather bought Africans off the slave-ships, and perhaps, if I were like mos women, I would be ashamed to tell that; but we always loved our colored people and they loved us, and I have nothing but the feelings of affectionate association with them.

I do not think that people outside of Virginia have any idea of the way our colored people are improving and the advantages they are gaining. As Mr. Sanborn says, Rome was not built in a day; and we should remember that the colored people were slaves less than forty years ago, and that everything seemed to be against them except the family relationships and the kindly feeling of the old masters. I may not be well informed as to the civil rights that the colored people ought to have; but, as to kindly and affectionate relations, I believe the old slaveholders take the lead of all others in the United States.

The addresses this morning have been of great interest, and, I think, throw a great deal of light on the subject; but there are one or two little points to which I would like to call attention. Mr. Stetson seemed to make a distinction between mulattoes and the dark colored people. I think that is a dangerous thing to do in this country. Of course, the mulattoes have some advantages, and the laws of heredity would be set aside if they did not have some; but very few people realize what a wonderful mixture and intermingling of races occurred in the slave-trade. There were pirates at that time, and the captives from any ship could be sold into slavery.

I think that the great mistake the American people make is in talking of all colored people as negroes,— as if they were all equal and that there were no classes among them. Good house slaves, who had been in intimate association for two hundred years with white people, were as far ahead in every way and in everything — in conduct, in manners, and in character — of the class we called corn-field negroes as people in the higher grades of society are above the poor, ignorant class. There was every difference, and people have not understood it.

There is a well-authenticated case of a negro bought off a slave vessel. He was a man no one could do anything with. He was very wild, and talked in a language that no one in this country could comprehend. He was so unmanageable that he could not be made to work; and, not knowing what else to do with him, they put him in jail. The poor creature raged and was so wild that he was considered a maniac, and I believe he finally died. While he was in jail, he wrote on the walls; and it became a matter of curiosity to know what he had written. All the scholars in that part of the country came to examine the walls of the jail; and, finally, it was found that he had in Arabic sentences told of his misery and wretchedness,— how he had been captured and sold into slavery in this country. This shows the wonderful intermingling and mixture of the various races at that time.

I have been so much interested in the colored people that I have studied all I could about Africa, and I feel now that I could pick out a Mandingo and a Hottentot and the people of the different races. We have in Lynchburg, Va., some people that came from the island of Madagascar. They are very different from the people that come from Guinea, and they show it to this day.

Right after the war, when everything in the South was in chaos, some very benevolent people in the North got up a list of questions about the negro and sent it to General Howard. Some of the most remarkable questions were asked; and General Howard wrote at the bottom of the paper, "Intensely human." I think we can say to-day that the negroes are intensely human; and where they have had opportunities, and have taken advantage of them, they have made wonderful progress and improvement. We have had more than a thousand years of civilization; and, at the rate the colored people have improved in forty years only, I am very much inclined to think that they might get ahead of us.

A colored girl who was born a slave was graduated from the Hampton School not many years ago, and she proved such a fine teacher in our native county that the county superintendent said he must have her services in all the districts. The school terms were very short, and so he arranged the terms so she could teach the whole ten months. I think the school at Hampton and all the industrial and other schools are giving the colored people a great many chances; and, instead of there being too much money for higher education, there has not been enough.

A GENTLEMAN.— There was one point raised in the beginning of Mr. Stetson's paper this morning, in regard to the debts in the Southern States under negro domination and rule. Do you believe that any other portion of the country could have gone through the visitation of the Civil War and come out of that worse than Egyptian bondage without throwing upon the legislatures the opportunity and the duty of making public debts for the amelioration of the people? I am very sorry Mr. Stetson did not say what those debts were created for. I understand they were created for the betterment of the States, in school-houses for white and colored, in public improvements, etc. You know the South was backward; and what were those legislatures to do if they were going to do anything, but make public debts, just as the State of New York has done, and just as every other State in the United States has done?

There are one or two other things to which I wish to call attention. I ask the white people this morning to look more particularly into this question, because among even the most intelligent white people there is displayed the most lamentable and astounding ignorance in the discussion of this problem. For instance, not long ago there was some agitation of the question as to whether the negro had contributed to the inventions of this country. A letter was written to a reputable patent attorney in this city, asking if he could help in the investigation of the matter by giving any information as to inventions by colored men. The answer was, "I know of no power of invention on the part of the negro but his power to invent lies." This in face of the fact that four hundred patented inventions by colored men are in the Patent Office. I ask the white people to look into the question and see, even if we have not

much in our favor, whether there is not some possibility of improvement in us, and to stand upon their boasted Christianity, and help us out of the darkness, if they think it darkness.

Mr. MOORE.— I am sorry Mr. Stetson has left the room, because what I have to say relates somewhat to a remark he made. From a politician or a demagogue we do expect some unsupported statements in order to carry a point, but not from a trained scholar, a trained psychologist, a man who in the pursuit of such a study is supposed to have gone over the whole field of psychology and ethnology, and to bring us data from careful study of this subject. The statement to which I have reference is concerning the incapacity of colored children as compared with white children. Now, the fact is simply this: No anthropologist or psychologist who has examined the subject with any degree of scientific accuracy, and in an unprejudiced way, has evolved anything to show that in the public schools, during the life of childhood, there is any difference in capacity between white and colored children. It is the universal testimony that there is no difference appreciable there. They do say, however, that a little later on, at the age of puberty, or of adolescence, if you please, there does seem to be a difference. It seems that the colored children fall back, and do not make such rapid progress. But they do not give the reason. The reason is simply this: The republic of childhood is essentially a democracy. The colored child goes into school the same as the white child. He has not learned any difference, and neither has the white child. He has not learned that there are many restrictions beyond that age of childhood which must come to him pretty soon. I refer to the economic restrictions. We know very well that the life, the thought, and the whole activities of people are very largely influenced by the economic considerations prevailing among those people. As soon as the colored boy reaches the age of puberty, and begins to look upon the world and sees it in his larger view, he finds that he has left some time ago the republic of childhood, which is essentially a democracy, and has come into the world, which is practically an aristocracy. He finds that a great many of the positions which he dreamed of in his childhood are not open to him; a great many of the places upon which he had set his eye in his childhood are forever — certainly under the present conditions of things — closed to him. Now how is this to be remedied? It is simply to be remedied by the co-operation of the white race with the colored,— helping the colored race to attain that which it is capable of attaining.

I think there is not any colored man in the whole race who will ask any right for himself that does not belong to him. I ask that no discrimination be made in favor of me because I am colored, and that you do not discriminate against me because I am colored. The white man is at the top because of his years, because of his opportunities, and not, as every anthropologist knows, because of his native, natural, inherited, God-given superiority, and he must let down the ladder for other men to climb up. What the colored man does ask in all fairness is opportunity,— not to be charged with incapacity because he is colored,— and he does not ask very many privileges because he is colored.

Now, in regard to relative inferiority, it seems to me there is one point which ought to be taken into consideration. Leaving out the fact that every

race deserves to be permitted to come in touch and to become acquainted with its environment,— the religious, the ethical, the ethnic environment,— it seems to me that, if the colored man is the equal of the white man in ability to adapt himself to his environment, he ought to be given an equal opportunity, and thus as much education as the white man. If he is inferior, then he ought to have more education.

Dr. MARTIN F. SCOTT.— There is a curious idea prevailing that the negro has only had forty years of opportunity. That is not so. We know from the monuments of Egypt that the black man has been in Africa at least five thousand years, and that many years it has taken him to get to the position he now occupies. For five thousand years he has been sunk in the superstition and philosophy of the barbarians, while the white race in Asia and in Europe has marched on steadily until it has reached the position which it now occupies. The white race, what we call the Aryan race, is the only race that has made what we call civilization. The other races have not been able even to utilize the inventions we have made. The Aryan race has produced everything of importance in art, in law, in religion, in mechanical science. The negro in Africa during five thousand years has not taken the first step toward civilization, and yet there are those who say there is no such thing as inferiority of race. It is proved by every page in history; it is proved likewise by the investigations which scientific men have made in regard to the differences of people. Who will say there is no relation between the structure and size of the brain and intelligence? None, I hope. There is a difference in people when we come to consider the capacity for education. There is a relation between cranial capacity and intelligence — between the weight and structure of the brain and what we call intelligence — that is the capacity to produce the civilization we have and to advance in civilization. It is brain weight, brain structure, brain capacity, that puts one race above another: it is the criterion between the races. The brain of the white man is far superior in weight and in structure, and his nervous system is better developed; and there you find the reason for the distinctions between the two races, there you will find why it is that the negro race is inferior to the Aryan race.

Mr. MOORE.— I desire to say to the gentleman that, if he will read Professor Mason's works on "The Origins of Invention" and "Woman's Share in Primitive Culture," he will find that the African civilization antedated the Egyptian; and he will also find that a great many inventions and other things which we are parading to-day as new and original were known thousands of years before he was born, and many of them known in Africa where they originated. He will find enumerated in Professor Mason's works many things about the negro race and its possibility for education.

As to the ability of the negro to get an education, I would say that, if the gentleman had studied the question carefully, he would know that the negro has in him the best qualities for making the very best men of this country, if those qualities are not spoiled by contact with oppressive civilization, which is too often the case in some sections of this country. That the negro race is a younger race does not in any way detract from its abilities. As a matter of fact, the Caucasian race or the Aryan race is also a young race as compared with China; and yet we see Caucasian civilization has gotten ahead of the yellow races. I suppose, then, there certainly can be no objection to letting

the black race also work out some contribution to the civilization of mankind.

Prof. KELLY MILLER.—As to the question of the relative capacity of the races, it is, of course, a theoretical one, and very difficult of practical establishment; but, so far as the test has been applied, we find that the negro has stood the contention at every point. What are some of the tests? Throughout the North we have mixed schools; and in those schools, as has been intimated, no reputable authority has yet indicated where the white child is superior in the elementary studies to the black child. Now that is one test that is sufficiently wide-spread to be very significant. We take natives from Africa, who have not been contaminated with American civilization, and they go to the universities of Germany and of England and of France, and there they find no difficulty in taking the highest scholastic degrees. That is another test.

In explaining why women are not equal to men in intellectual capacity, the women maintain it is because they have not been competing for intellectual supremacy. Now the negro can avail himself of the same argument. He has not been competing for intellectual supremacy. Now negroes go to higher institutions of learning; and, so far as known, they maintain their standing fairly well.

As to the question of brain weight, I think there is a conflict of authority in regard to the relative weight of brain, and also as to the value of intellectual interpretation and relative brain capacity. Now, if you take the colored people in this house and average the size of their hats, I think they will compare fairly well with the white people who are present; and the gentleman did not instance any statistics or any careful study that had been made of relative brain weight and its effect upon intellectual capacity. Mr. Chairman, you know it was maintained at one time by the South that the negro could not learn to read; and, now that he has learned to read fairly well, I think they have shifted the point of contention a little further, and say that he is not equal to the white man.

In regard to the statement that the negro in Africa produced nothing of importance in civilization, did not Thomas Jefferson say not more than one hundred years ago that *America* had not yet produced one poet, one mathematician, one scientist, one man of distinction in any art or science? Erasmus Darwin answered that charge by saying that, when they shall have existed as a nation as long as Greece did before she produced a Homer, or Rome a Virgil, or England a Shakespeare or Milton, then it will be time to ask from what unfriendly cause it has proceeded. And I make that same application to the negro race. When that race shall have existed under freedom as long as the Anglo-Saxon has existed under freedom and independence, and shall not have produced men of the intellectual eminence of those who now detract from the negro race, then it will be time to inquire from what unfriendly cause it has proceeded.

4. THE FUTURE OF THE LIBRARY MOVEMENT IN THE UNITED STATES IN THE LIGHT OF ANDREW CARNEGIE'S RECENT GIFT.

BY MELVIL DEWEY, DIRECTOR NEW YORK STATE LIBRARY.

[Read Thursday evening, April 18.]

Mr. Carnegie's princely and unparalleled gift to New York has so struck the popular mind that it will do more good to library interests in general by the resulting thought and discussion than by the inestimable direct service to New York itself. It has given new courage and strength to every library worker in the world, and we are all profoundly grateful. It came at the culmination of what history is sure to refer to as "the library age," just as that period when the monumental churches of Europe were erected is known as the "age of cathedrals" The new movement started both in England and America almost exactly on the half-century. For twenty-five years it grew gradually, till with our nation's centennial, beginning exactly the next quarter-century, the American Library Association and its allied agencies were organized, and what we fondly term "the modern library movement" was fairly begun. The national association with the *Library Journal* and the Library Bureau were followed soon by the Library School, then by State associations, city clubs, and growing recognition of library work as a definite profession.

A bird's-eye glance at the library past will help us to prophesy its future. The old-time librarian was often little more than a porter or janitor, a mere jailer of books. In our colleges he was in dignity and salary put last. We have seen him grow to take rank with tutors and professors, and in the more advanced institutions rapidly approximating to his proper position of equality with deans of schools, as the administrative head of the great central laboratory of the university.

The old library was a reservoir. Its functions were to get and

retain. We have seen it change to a fountain, giving out "as free as water." The old institution was passive and receptive. The new is an aggressive, vital force in the community. The conception of its functions has steadily broadened like the circles after dropping a stone in a quiet lake. With the years both libraries and the public have steadily widened their notions of what a library ought to be and to do. Glance at the steps of development from the time when a printed book, as costly as a whole estate, was chained to its pillar and must be sought with due reverence by the reader. Next came a collection of books to be carefully preserved and to be used by the privileged few, then the more democratic idea that all who paid a certain fee might share this privilege, and, finally, the splendid thought that the treasures should be open without charge to all. But that was only the beginning. To *lend* a book was considered as preposterous as it would now be thought to let a child take home from a museum the bird of paradise. But the idea of lending took root, though the first to suggest it was labelled visionary and looked at askance. First the favored few might borrow, then all who could pay the fee, and again came the splendid culmination in the free lending library from which every citizen might borrow. But this was only a part of the new, aggressive, broadening movement. It was not enough that people might come freely to the library, but the books must be taken to them; for the modern librarian is as anxious to get the best reading into the hands of his clientèle as is the manufacturer to put his wares within easy reach of all consumers. Then branches, delivery stations, and the home library with its case of books and a friend, reaching where the more formal organization of a great institution could not otherwise put its hand. But more was needed. Requests for books by mail, messenger, and telephone, were honored by special delivery or express; and we are on the eve of such change in our postal laws as will allow an endowed library, devoting all its energies to putting the best reading in the hands of the people, to mail the best books on as favorable terms as those granted to the "yellow journal" carried on in a spirit of pure commercialism for disseminating much that the world would be better without.

Any one who had dared predict what has already taken place would have been branded as a dreamer of dreams. We may now look back, and review this growth with safety. Some of us must

have courage enough to look forward and help pave the way for the grand future development obviously coming with the new century in the public library idea.

Mr. Carnegie's gift is so great that even in this age of "big things" it has made all thoughtful people consider anew what the public library means to the community. It is no longer merely a good thing, like a public park or fountain or statuary; but it has at last won its recognition as an absolutely necessary element in every progressive community, taking its place as the essential complement of the public school and becoming equally universal.

In 1876 the American Library Association was established, and has grown steadily stronger. The new century opens with library associations in nearly every state and large city. Museums, study clubs, extension teaching, reading circles, individual study, and the whole group of agencies now happily named "home education" are rapidly grouping themselves around and becoming integral parts of the modern library. The word "library" will not much longer convey to most minds the notion merely of a collection of books, but will mean the centre in every community of all those educational agencies and influences which, in our time and country, are universally approved as worthy of public confidence and support, and which can be most cheaply and effectively maintained as part of our library system.

The public has become satisfied that education in school for a limited period, in youth, is worth all the millions that are annually spent on it. But it has learned, also, that, besides this school education, what we call "home education" — for adults, at home, through life — is just as important and just as worthy of public support. Experience has proved almost invariably that the library does its best work as the close ally of the school, but under independent organization and government. A board of trustees with double functions, as would be expected, is sure to treat the library only as a bob to the school kite, and almost never secures such results as are possible where the trustees feel that the library is their one great concern, and devote to it all their energies and resources. We are forced thus to have in every community two complete organizations, the school and the library. It would be economic folly to create a third for the work of home education, which can be done better and cheaper in connection with libraries than anywhere else. When we have proved to the American

people that a thing which they want can be had best and cheapest in a certain way, it is settled that they will insist on having it in that way. The future of the American library, therefore, will be the future of that education imparted by a score of agencies outside the ordinary teaching institutions. The library will always have the function of getting and keeping books; but its chief work will be, as far as practicable, to provide for every man, woman, and child the inspiration or information which then and there, and to him, is the best that can be given through print and pictures, charts, and other graphic aids. This opens an almost limitless field. Our civilization and progress rest on the fact that our generation stands on the shoulders of all its predecessors because their experience is preserved to us in books. The squirrel has only the skill and instinct of any one of a thousand generations of squirrels before him,— neither more nor less, for each begins at the beginning, The savage makes some progress, because through oral speech experience is handed down. Civilized man has become as a god in his power to be and to do, because through print he utilizes the experience of all generations of men.

With this conception any development or new feature which will enable a library better to give to the reader what he ought to read may properly be included in its functions. Any change that makes this work more effective or less costly is to be encouraged. The task is colossal, the field is boundless, the possibilities inspiring. It is too large a question to be limited by narrow views or to be worked out successfully by little men, too timid or too unfamiliar with the large life of the world to learn the lessons of economic and efficient administration of great interests. There must be given to these problems the same courage and skill that have made the wonderful successes in American commerce and industries. It requires as great ability to earn large intellectual and moral dividends on the stock of a public library system as it does to earn corresponding commercial dividends in a bank or railway. Our great universities no longer look exclusively to the clergy for presidents. Our great libraries no longer need merely bookish men, but must be directed by men of affairs who, wholly free from the spirit of commercialism, will throw into their work the same administrative skill that has made possible the successes of the captains of industry and commerce.

Time forbids discussion of what this development is to be. I mention very briefly a few of the features which, I believe, will mark the new-century library in its full development: —

The next quarter-century will show great changes,— development and evolution, not revolution. Books and libraries will be farther released from restrictions and strait-jackets, and mobilized or made aggressive and omnipresent in their influence. The public will demand more, will get more, and will consider libraries still more essential and worthy of liberal support.

The travelling library idea will expand, so that libraries will reach homes and individuals as they now reach only communities. Students will be able to get a dozen books for a winter instead of one or two for two weeks. There will be greater freedom of access. Open shelves, in spite of some losses, will become more abundant. Books, except a few rarities, will be regarded less as fetiches to be protected with a kind of sacred awe, and more for use. When a volume cost as much as a village, this reverence and jealous watchfulness were justified. Now that it can be bought for the price of a single meal, such reverence is a mediæval survival. Students will cut up books freely for notes and scraps. Libraries will lose, wear them out, and charge to running expenses, with no more worry than for an equal value in stationery, wrapping paper, or other supplies that can be reproduced any day at small cost. The book is to be used and also used up, if that, as often happens, will save time worth more than its cost.

Library Faculties. — That admirable modern invention, the reference librarian, will be developed in large libraries into faculties of specialists available by mail and telephone to the whole wide constituency belonging to each.

The rapid increase in annual publication has put it beyond the capacity of poor libraries to care for the large numbers of new books of real value, even as gifts. A poor man can buy a horse: the financial problem is his "keep." Similarly, every book must be "lodged." It must be shelved, catalogued, inventoried, and cleaned. For books wanted only at long intervals it is cheaper to supply the demand from a central library by utilizing mail, telephone, and express than to undertake to keep the books at hand, just as it would be wasteful for the ordinary high school or country college to offer instruction in Russian, Chinese, and various other subjects of human learning of which students are very

few. Even the most economical will not question that somewhere, available in case of need, a copy of everything published ought to be preserved. This function will more and more go to the state and national libraries and to the great universities, and to the few public libraries at central points where there is sufficient income for costly accumulations. In the few great libraries the comparatively modern notion of the reference librarian is bound to develop into the "library faculty." One man cannot possibly do the reference work for a large library, if only from lack of time; and no man since Humboldt presumes to be a specialist on all subjects. A process of evolution is inevitable. As demand and income warrant, we shall have a reference librarian for each important subject like history, science, art, sociology, law, medicine, or education, till in the library, as in the university, we shall have a company of men, each an authority in his own field. This is another step toward making the library the real people's university. Though these reference librarians will, as a rule, hold no classes, they will be available, not only personally, but through correspondence and the telephone, which is so rapidly becoming universal, so that the smaller libraries dependent on the faculty library, and individual students as well as schools and teachers, will all feel free to inquire of the library specialist as to the best books to buy, read, or consult for any given purpose on any topic. This library faculty will be the source of our best bibliographies and (most important) of the annotations destined to make the bibliographic work of the future infinitely more valuable than the mere collection of titles without evaluation. Possibly some man who recognizes the present trend and magnificent possibilities will endow such a library, and give an object-lesson of what it may do a generation earlier than would be possible through natural evolution, retarded by lack of means instead of stimulated by removal of all obstacles.

Centralization. — The immense increase in new books published, the cost of shelving and cleaning, cataloguing and handling, and, chiefly, the larger and growing demands of the public, can be met only by a large staff, which can be afforded only by libraries with a great income. This will force smaller libraries to abandon general collecting and to send their surplus books to the nearest state or great university library, which will hold them in trust and use them for the benefit of all scholars and smaller libraries in its territory. Telephone, mail, and express facilities are becoming

cheaper and universally available. Libraries will be driven for financial reasons, rapidly becoming more imperative, to follow the law of business, and to attempt to "carry only such stock as frequent local demands warrant," supplying the rest on order from the central storehouse, as a bookseller orders rare and costly books. Libraries will be mobilized. Books must travel more. Rare books must be sent to the reader because other copies cannot be found, and it is much cheaper to transport the books than to compel the reader to come to them. Cheap books must be sent because it costs less to transport them than to store, catalogue, and index in ordinary libraries books very seldom wanted. The consolidation of library interests into great central institutions surrounded with smaller libraries dependent on them will effect great practical economies, without which the cost of meeting the growing public demands would be almost prohibitive.

Library Schools. — The remarkable work done in the past fourteen years must be carried forward till we can offer to those wishing to give their lives to professional librarianship as good facilities, equipment, and instruction as can be had in law, medicine, or theology. There will be some "normal libraries," where the students can see and work in a model institution. We shall have library institutes, where workers of a given locality may gather for a week or more for inspiration and guidance from the most expert conductors and teachers. We shall fully attain this ideal only when some wealthy philanthropist realizes that he can raise himself to the second power by taking the money that would build and endow one splendid new library, and putting it instead in a school that will forever turn out each year a class of the strongest young men and women in the country, ready to give their whole lives to advancing library interests.

Libraries as Bookstores.— The public which pays the cost of lending a book for the sake of having it read will soon learn that it can much better afford to help the reader to select the best, and buy it for him at wholesale cost, because to own a book means so much more than to borrow it. The library will thus become the local bookstore where sample copies can be examined and orders left. This means cheaper books and gradual elimination of the commercial element from much of our publishing and book-selling, just as it was similarly eliminated from higher education, then from secondary, and now from professional and tech-

nical, till with few exceptions it is hardly respectable to make large incomes out of education any more than out of religion. Education in its nature is a thing to be furnished without profit. The public ought to afford to every man at actual cost, or even less, good water, drainage, roads, education, and, so far as he needs them, the results of the world's previous recorded experience.

Endowed Press.— The universities and great central "faculty libraries" have already begun to take up their new but proper function of publishing, and endowments will follow to carry this beneficent work forward. There have been great strides in the last decade in the development of university presses. The publication of transactions of learned societies and a large portion of the best journals on special topics have already passed into their hands. If a book is to be published from educational or philanthropic instead of commercial motives, it can be done best by a university or library press absolutely separate from advertising and other business or commercial considerations. The time has almost come for the endowment of a great library press which shall do for the best literature a work similar to that done by the Bible societies for a single book. Such a press, with ample endowment and properly administered, could be made a greater influence for good and for general education than any university or library in the world. Its establishment would be the logical result of the organized efforts and the almost incredible gifts made to provide the "best reading for the largest number at the least cost." This press would have two functions: —

1. Publication of the best literature at the lowest cost to supply both libraries and individuals.

2. Publication of bibliographies, indexes, and various aids to libraries and readers, chief among which would be the annotations and evaluations which we have learned are the most valuable single feature of our recent work.

In these early years we have been misled, as was natural, by quantity. The number of volumes circulated has been widely accepted as the measure of usefulness. We are just fairly roused to the fact that mere reading of books is not in itself necessarily a benefit. Reading exerts a mighty influence. It may be for good or for evil. We are happily passing from the quantitative to the qualitative stage in reading. The admirable work done by

the publishing board of the American Library Association could be wisely expanded one hundred-fold if there were an endowed library press through which to work.

Librarians will stimulate and help in the experiments on scientific book-making, till we really know how to get maximum legibility and convenience at minimum cost; and vast improvement will be worked in several details of book-making, chiefly in the size, face, and leading of type, and decreased length of lines in books, so that the eye can move down the page without the strain of zigzagging.

Pictures. — These will go forward farther, and fully take their proper place without discrimination in favor of books, — not as history of art or mere decoration, though both are legitimate functions, but as illustrating almost every subject. Wherever pictures carry either information or inspiration more easily, quickly, or cheaply than books, they will take their place and be paid for from the same funds. This graphic side of printing will be greatly developed.

Museums. — These will be recognized as an integral part of both large and small libraries, for consulting a museum is really "reading" natural language instead of the conventional and arbitrary forms of type. They can be collected, administered, and used, most cheaply and most conveniently to the public, as part of the public library. Their work is too closely allied to be separated except under very unusual conditions.

When we look back a quarter of a century, and realize that we have been living in what is distinctively the library age of the world, we are amazed at the growth. To him whose vision is as keen looking forward as looking backward the magnificent results already accomplished are exceeded by the almost sure promise of the still better things soon to be.

The CHAIRMAN (Dr. ANDERSON).— I desire to say in this connection that having read within two or three days past an article by Mr. Herbert Putnam on "The Public Library in the United States: Some of the Recent Phases and Tendencies," published in the *International Monthly* for January of this year, I have been greatly interested to notice the marked resemblance, not in language, not in phraseology, but in the main ideas advanced by each of these men. It would almost seem as if they had been in consultation at some time in regard to the subject — and I suppose this fact may be taken as representing a thing full

of promise — that we have united and in charge of the great libraries of America men who are thoroughly up-to-date with reference to library work, and who are determined to transfer the library from a mere passive reservoir into an active influence for good, and to bring it more closely into connection with the American people. Perhaps at the beginning I ought to have called your attention to what brings more fully before us this matter of the endowment of public libraries and similar institutions than anything I have seen. I mean a statement published in the Saturday review of the New York *Times*, summing up the great gifts — those of $5,000 or more — for the last year, as well as for several previous years, and giving the names of the donors. In 1893 the public gifts for libraries, colleges, and such institutions and objects amounted to $29,000,000; in 1894, to $32,000,000; in 1895, to $32,800,000; in 1896, to $27,000,000; in 1897, to $45,000,000. In 1898, the year of our war with Spain, the gifts dropped to $38,000,000; but in the reaction which came in the following year (1899) they increased to the highest point yet reached in the history of our nation or of any nation,— namely, $62,750,000. The gifts for 1900 are not so large, being but $47,500,000; but it is interesting and full of promise to find that the number of givers is considerably larger. The entire second page of this number of the Saturday review is filled with a list of these gifts and the givers. I find by careful count that there are over one hundred and sixty persons represented; and I intended to go through the list to ascertain how many of these gifts were made to public libraries or for the establishment of libraries, but was prevented from completing the estimate. I find, however, that the number is large. All of this shows that there is a progress going on in the United States of which the American people ought to be proud, and which is full of great promise for the future; and I have no doubt that Mr. Dewey's suggestion of donations for less concrete, less tangible objects, but objects very closely connected with the success of the library method, will be met in due time, and it behooves us to-night to discuss the conditions under which such gifts are made, their probable influence upon the community, and whatever questions may come up in this connection. The subject is now open for discussion.

Professor GEORGE L. RAYMOND.— The best proof that appears to me as showing the suggestiveness of the paper just read is the fact that I could speak perhaps for half an hour upon two paragraphs in different parts of it. The paragraph that spoke of open shelves, shelves containing books which any one entering the library could take down and use as long as he chose, appealed to me. I remember that in 1876 I went to London in order to make an investigation upon a subject that had been interesting me, and for the first time I understood what open shelves meant. They have a large rotunda there, in which I believe there are twenty thousand volumes that any one can take down; and then desks are provided where these volumes can be placed, and one can read those volumes as long as he chooses, and the attendants take them back to the shelves after he departs. That same system has now been introduced into our university in Princeton, but only within the last three or four years. We have something like twenty thousand volumes that students can consult when they choose. There are different alcoves in which volumes on different subjects are collected, and the student has virtually

a range of all the important books connected with any one subject; and in a few hours he can learn what the literature upon any subject is better than under the old system he could learn it during several months. It seems to me that our public libraries can be arranged in the same way. There can be certain books in alcoves; and persons entering the libraries should be permitted to use those alcoves, and to take as many books as desired.

Three or four days ago a gentleman here asked me to tell him what were the chief works written upon Christian Science. I told him I knew of a few books, but I was not at all acquainted with the whole range of the subject, but that possibly some one in the public library could tell him. I have no doubt that some one in the national library could have done so; but, if all the important books on the subject were arranged in an alcove, this person who inquired of me could in a few hours find out what the books were, and, if he was acquainted with the way in which to use books, could make himself tolerably familiar with the whole literature on the subject.

Another idea was suggested to me while listening to the paper, particularly to that part which spoke of the faculty of a library. I am in favor of freedom of thought and freedom of investigation, but I am not in favor of that as applied to younger persons. Younger persons are not always the best judges of what they should read, particularly persons who are under seventeen or eighteen years of age. If we had alcoves of the kind suggested, then the boys could be turned loose when the hour for their reading came. In the alcoves we could have books of travel, books of history, and a thousand and one books that would suggest themselves, and they could read those books.

There should be a connection between the library and the public school, and children with certificates from the teachers should go there, and under the supervision of their teachers read the books that were recommended by those teachers. In connection with this there might be another arrangement. In colleges, at present, in the libraries, we now have rooms devoted to the important departments. For instance, the department of history has quite a large room, say forty or fifty feet square, surrounded with shelves, in which all the standard works on history can be found; and so with the department of English literature and the department of political science. The students are permitted to go into those rooms, and may read any of those books they choose. In connection with alcoves there might be rooms of that sort; and even in comparatively small towns — manufacturing towns, for instance — there might be rooms devoted to this purpose. In connection with rooms for reading, where silence should be preserved, there might be also rooms for conversation, where those interested in the same subjects could meet: a mechanic, for instance, trying to become a master of his art, a clerk, perhaps in the same factory, who wished also to become a master in his department, and the proprietor might meet there.

One of the greatest advantages of our public schools is that persons from all ranks of society meet together. The little girl from the slums sits in the recitation-room next to the little girl that is the daughter of a wealthy manufacturer, so that every child learns to think and to do as those in other spheres of society do, especially those in higher spheres than their own. That is the reason why America never develops the snob. England is full of snobs. It is

a fact that a man in England who has not moved in circles where the majority are intelligent is apt throughout life to have the manners of a person who is not accustomed to good society. I recall at this moment a man who is more a prince in his bearing than any prince I ever saw; and yet he is the son of the poorest woman I think I ever knew, employed in the humblest occupation. And so it is all over America. You can take any ordinary American woman and put her in the White House, and she will meet the requirements of the position. It is so with the American man. One reason of it is that in schools children from all ranks of society associate; and that is the great argument, the strongest argument to my mind, against any sectarian schools or any schools whatever that are intended to accommodate only those from one sphere of society. I agree with Mr. Roosevelt. I have heard that he insists upon sending his sons to public schools because he wishes them to associate with boys from all classes of society, and it is a very wise idea upon his part.

In connection with these libraries and these rooms in which facilities for pursuing certain branches should be given there might be assembly rooms where those of like tastes could come together, and thus communicate with one another, and come to sympathize with one another, which would aid greatly in a development in the direction of patriotism and of national feeling and of similarity of feeling throughout a community. I remember that several years ago a friend of mine in Philadelphia, Professor Cleveland of the University of Pennsylvania, told me this story, which is one that only those who know something about the city of Philadelphia can fully comprehend. A Mr. Leopold started an antiquarian store in Philadelphia; and this gentleman went into that store one day, and found in the rear a large number of very choice editions of Dante. He was surprised, and turned to Mr. Leopold, and said: "Why have you collected these books? They are very expensive books. You cannot sell them in America." "Yes," he said, "I can sell them in America: every one is sold. They are in thirteen different versions. Here are thirteen books: they are different editions, and they are ordered by thirteen different persons. I will tell you something queer about that. I have been trying for the last three years to introduce one of those persons who ordered those books to some other one person; but one lives south of Market Street, another north of Market Street, one east of the Schuylkill, and another west of the Schuylkill, and I cannot introduce one of those persons to another. All through life those students of Dante will be obliged to depend upon their own resources. They will not be surrounded by those who would naturally be in sympathy with them and who might suggest something in the same direction." A library might be a centre of interest in this way, bringing together those naturally inclined to the same pursuits.

A few years ago, before the country villages of the West had become large cities, as one went west from here there was not a village or town through which you passed in which the largest building was not a school-house. The time is coming, I hope, when another large building will be the library, standing side by side with the school-house, and carrying on the work of the school, especially as applied to those in more mature years.

Mr. SANBORN.— It sometimes happens, I presume, that we hit upon a truth

large or small, as the case may be, and afterward have it confirmed by experience. Some years ago I formed this little aphorism about the county of Philadelphia,— that it is a portion of this country where the human reason does not operate,— and I should suppose that Professor Raymond's story rather tended to confirm that aphorism; for I doubt if there is another region in the country where you could not introduce to each other four persons, students of Dante, whatever their outward apparel or residence might be.

I have been very much interested in the paper just read, and much impressed, as Professor Raymond has, with the fact that several librarians have come to the same conclusion; because, when I was discussing the other day in Massachusetts with our State librarian, Mr. Tillinghast,— one of the best librarians, I fancy, in the country,— he made to me precisely the same suggestion in regard to the transmission of rare books which Mr. Dewey has made in his paper; namely, that it would be well to establish a system of transmission and circulation between the larger and the smaller libraries, by which rare books could be made available in regions where they cannot readily be found.

As the paper was being read, I was reflecting how recent this whole business of free public libraries is. Perhaps it may not be known to those present, yet I believe it is a fact, that the earliest free library in the world, unless we go back to the Assyrian libraries, of which we know nothing except that they existed, was established in the year 1833 in the little town of Peterboro in New Hampshire; and, in fact, I am son-in-law of one of the two gentlemen who practically established the first free public library in the world. That is a very short time ago; and at present in the State of Massachusetts alone we have, I think, more than three hundred free public libraries. Under our recent legislation, which was very much promoted by Mr. Tillinghast after he became the State librarian, the State — and the same is true of New Hampshire — assists those towns which have no free public library to establish one; and under that legislation, which has been in force eight or ten years, every town in Massachusetts, with the exception of six, I think — which would be about 345 towns and cities — has a public library of some kind. They are not all free public libraries in the strict sense of the term,— that is, they are not absolutely open for lending purposes to every citizen or resident in the town,— but the majority of them are.

Another recollection occurred to me. When this legislation was first talked of in Massachusetts, about eight years ago, I was talking with Mr. Tillinghast, who had recently been collecting returns from the different towns as to the number of books in libraries at that time; and it was a singular fact that the little town of Mashpee, inhabited principally by what we call Indians, — that is, descendants of the Indian population of Massachusetts,— at that time contained more books, in proportion to its population, available in libraries, than any town in the State. The city of Boston, with all its ample facilities, had, I think, less than a third as many books, in proportion to the population, as the little town of Mashpee. The population of Mashpee, I think, was three hundred, and it had two libraries in different parts of the town; and, when you added those volumes and divided by the number of people, that curious fact resulted. Since then those libraries have been united in a single one, I believe.

As to the glowing visions of the future in which Mr. Dewey indulges, of course it is impossible for an American to deny that all these things may take place; and certainly I am not here to deny it. But I am inclined to think that the present cheapness and the greater cheapness of books hereafter is not in itself a great public benefit. I think, as was observed by Professor Raymond, that there is a disadvantage resulting from the cheapness and the abundance of literature. Selection must be made by somebody; and at the present time I fancy that in the United States not only are the newspapers more extensively circulated than the public good demands,— certainly in some parts of the country,— but that the same thing is true of books. I do not speak of a moral effect, necessarily, though I think the moral effect is oftentimes bad; but the intellectual effect of such constant circulation and rapid forgetting of so much literature, good or bad; and oftentimes it is all bad, up to a certain point. It demoralizes the intellect. The proverbial man of one book is the man who knows something about a subject; but the persons who dilute their minds with an infinity of reading on all subjects are presently found to be persons without much power of thought. Reading of itself does not, necessarily, stimulate the faculty of thought: it is a receptive process, and that receptivity should be accompanied by the stimulation of thought leading to the development of some idea. I know in my own case — and fancy it is so with others — that so much miscellaneous reading enthralls and paralyzes the power of thought. Originality is disappearing, in my opinion, in communities where miscellaneous and universal reading is going on day and night; and, in my observation, I have usually found that those persons we call the strongest men, persons of real originality, who, when you talk with them half an hour, give you at least one idea that you never had before, are not, ordinarily, great or miscellaneous readers. They are persons who have observed and reflected to an extent which the miscellaneous reader seldom does.

Professor FRANCIS WAYLAND.— I happen to know some circumstances with reference to the foundation, the genesis, of the free library system in Massachusetts, which, I think, may be interesting, and may stimulate some others from different parts of the country to try the experiment. A town in Massachusetts that had been set off from another town desired a name, and they decided to give it a name. The gentleman whose name was taken* gave $500 to the town for a free library on condition that the citizens would raise $500 more. They did it. He then gave $500 more on condition that it should be duplicated by the inhabitants. The plan worked so admirably that this gentleman thought it might be well to embody the principle in permanent legislation, and so he secured some competent person to draw a bill. Caleb Cushing was then chairman of the Judiciary Committee. It was late in the session, and he took that bill, by the consent of his committee, before the legislature without its going through the ordinary form of being reported by the committee; and it was passed. It allowed towns, which otherwise were not permitted to do so under the laws, to set aside a certain amount, in proportion to the population, and tax the people for the payment. This has not only led to the example being repeated, as Mr. Sanborn stated, in all but five or six towns in the State, but has also led benevolent men to add to the funds, giving greater facilities.

* President Wayland.

The same gentleman secured similar legislation in the State of Connecticut, which is the foundation of the free library system there; and, undoubtedly, the example has been followed in several other States.

I should like to hear competent persons discuss the question of fictitious literature in the library. Is there any way of limiting it? It would be desirable to have the proportion of fictitious literature and the character of such literature stated in a certain number of typical libraries. I have seen some statements that were very startling. If a free library has an enormous supply of works of fiction, and any child old enough to read can go and help himself, not from the shelves, of course, but by the ordinary methods, and can do this as often as he pleases, is it on the whole desirable? Should there not be some check? Every librarian, every library committee, is anxious, when he presents his statistics at the end of the year, to show the value of the library by the number of books that have been taken out. Very often there is no classification. A hundred thousand books have been taken out during the year. And then the people congratulate themselves, and say, "What an intelligent reading people we are!" just as a mother says about a child, "My child is perfectly delighted when he can get hold of a book: he doesn't want to play, he doesn't want to do anything." "What kind of books does he read, madam?" Sometimes she does not know; and, when you succeed in getting at the truth, you find it is nothing but the lightest kind of novels, which had better be in the fire than in the child's brain. This is a practical question, one of a great deal of importance; and I should like to have information upon the subject.

Mr. C. A. Woods.— If I did not have great confidence in the altruistic spirit of this audience, I should not offer any remarks at all, because I suppose that it is composed of people from the cities almost entirely. I come from a rural community, almost entirely agricultural; and just for a moment I would like to emphasize, if I am able, the importance of the free public library in communities of that character. There is a degree of isolation in agricultural communities that the citizens of cities cannot at all appreciate. Books are much more important to their life and development than they are to those who live in cities, for the reason that their lives are necessarily more to themselves. It has been observed — with what amount of truth I am not able to say, because my acquaintance in cities is not sufficient to warrant my expressing an opinion — that oftentimes it happens that the people in the country are better read than people who live in cities, for the reasons which I have just stated. The great libraries to which allusion has been made to-night, and which are, of course, very important to the development of this country, do not reach the agricultural communities at all; and how they are to reach them it is difficult for any to say, so that, for the present at least, agricultural communities are dependent upon local public libraries. There has been, I wish to say, a very marked improvement in the Southern country in that respect. I do not know, by the way, Mr. President, that the South is capable of anything much after what I heard about it this morning by people who know, apparently, a great deal about the subject; but I am pleased to say that, although we have been very backward in that regard in the small communities of the South, there are now any number of free public libraries, absolutely free. The people get the books, use them, and return them. I have taken some interest in this subject in the little town with which I am connected. The books are

loaned without any charge or fee of any sort, and the losses are almost infinitesimal. One library that I have in mind last year loaned five thousand books; and of that number, I suppose, there were not over three lost. The outlook is therefore encouraging.

In this matter, however, as in a great many others, I would be glad to have our friends bear this in mind: we are a very poor people. It has made me feel sad to-night to hear of these gifts from generous friends, and of the great things that may be done for the public and for the poor in the endowment of the great public libraries. We can do very little in that direction. We can only follow far behind you of the New England and Middle States, and hope to reach the plane that you have attained only after long years of effort,— not because of our lack of willingness, I trust, not because of a lack of desire to help those who are poor, but because we are too poor to do it. We are not asking Mr. Carnegie,— at least I have not heard of any letters being written him, and I hope none would be written from our section of the country, because he has his hands full in other sections,— we are not asking Mr. Carnegie for anything in that direction at present, although such gifts would be welcome. I mention that only because I know that his donations cannot reach the small communities to which I have referred. But, if there is anybody who can suggest any help for much of the benighted South,— I am not ashamed, but am sorry to say that much of it is benighted from circumstances beyond its control,— we are glad to receive help by way of suggestion, although we are not asking anything in money. It is the rural communities that we should strive to reach: the cities will be taken care of by the donations of the great benefactors of whom we have heard to-night.

The CHAIRMAN.— I will call attention to the fact that Mr. Dewey proposes the sending of books to the masses of the people. That would of course include sending them to small communities; and I should think that in the South the success of some such method as Mr. Dewey suggests would depend upon the extension of the electric system. I should like to know from Mr. Woods what the chances are in that direction, and whether the trolley system is being introduced to any great extent in the South.

Mr. WOODS.— Not as much as the library system is being extended. The country is sparsely settled. There is some extension of the trolley system, but that would not reach us for many years.

Mr. KINGSBURY.— I wish Mr. Dewey were here. I think he could give Mr. Woods some valuable information on this very subject. They have a very well-organized system at Albany, what I think they call the neighborhood library circulation. Something like a hundred or two hundred books are put in cases; and they are sent everywhere — all over the State — to little neighborhoods that want them. Quite a large number of books is used in this way. The books are left there a certain time, perhaps a month or six weeks, and then are sent to another neighborhood. They are also sent to the schools in different neighborhoods. After a while they get back to the home library; and there they are examined and repaired, and again sent out. If there are in South Carolina any large central libraries that have any considerable fund to spare for this matter, I think they would find this system a feasible one, because it has been thoroughly tried and has now been in operation for several years.

Mr. SANBORN.— I merely want to say how this difficulty has been met in regard to a class of persons in New England whose reading facilities are very small; namely, the blind. It will be remembered that during the past century an alphabet for the blind was devised, by which books can be printed in such a way as to be read by the fingers. One of the great establishments for printing these books in this way is the Massachusetts School for the Blind in South Boston, where they have printed some hundreds of books. Of course, the number must be somewhat limited. For a great many years the head of that school has been sending any blind person in New England — Connecticut, Rhode Island, as well as Maine, because the school receives pupils from all the New England States — books from its presses and from its library. Those books go out as they do from Albany, are retained for a certain length of time, and returned to the library, when they are sent to other places. All that is required in this case, as I understand from Mr. Anagnos the sender, is that the persons receiving the books shall pay the express-age. They are sent in convenient boxes, they are carefully used, and, if a book is lost, I suppose the reader, if he is able, pays something for it; but the blind, as is well known, are usually persons who are poor. There are many of them that are self-supporting, but they have no considerable amount of property; and they depend much more upon the reading than seeing persons do, because it is a difficult operation. To be able to read with the fingers is an accomplishment; and it is something which gives a great deal of pleasure, and which enables the blind to improve themselves to a much greater degree.

I should suppose that this system of circulation, which also exists in the North-western States, where they send out these travelling libraries to the great lumber camps and places of that sort, where many workmen are gathered together without such facilities, could be extended to South Carolina or to any rural community which would incur the slight expense necessary.

Mrs. ORRA LANGHORNE.— I want to mention an incident showing how one place in the South has felt Mr. Carnegie's kindness. In Manassas, Va., a little town about thirty miles from Washington, they were building a new public school-house. A man interested in the school there wrote to Mr. Carnegie, stating to him that there was no public library and no facilities of that kind, and that we would be very glad to have some assistance from him. Mr. Carnegie replied that, if he was sure the books would be well cared for and a place provided for them, he would send a thousand dollars' worth of books. The school committee immediately made arrangements to add another room to the school building, which was then being erected, and notified Mr. Carnegie of that fact. They received the donation of books, which are considered a very great treasure; and the people are very proud of having a Carnegie library in the little village of Manassas.

Rev. J. H. BRADFORD.— I want to say just a word in regard to the system Mr. Sanborn has spoken about. Thousands of vessels are sailing over the ocean with such libraries, and they are passed from ship to ship. A ship takes a library from some port, and uses it during its voyage; and that library is returned to the place from which it came, and another one taken. In this way these libraries are used first by one ship and then by another, so that this system is being used on the ocean to a very large extent.

The value of a library depends mightily upon who the librarian is and upon his appreciation of the work he is given to do. It was my privilege last summer to go to the city of New Haven and to the little town of Branford, where Yale University was started; and there I found a $50,000 library, built by one of her sons. One of my Yale classmates was in charge of that library, and the idea he gave me of the uplifting of the young people of that town by the influence he exerted over them has stayed with me ever since. It is perfectly delightful to think of the boys and girls of that old town of Branford going to the exceedingly competent librarian, who dictates in large measure what they shall read, and being uplifted by the kind of literature that goes out by his advice into their families and into their heads. What is a book, anyway? It is simply printed thought which lifts up the human race by the influence it exerts. We must have it, and the place for it to go is into the heads and minds of the children. I believe in children; and, if you want to lift up the people of this community or any other community, you must lift up the children. Therefore, the people of Washington rejoice in the lifting up of the Carnegie library in Mount Vernon Square; and they will rejoice all the more when the avenues and streets leading to and from the library are filled with young people with books under their arms.

What made Mr. Carnegie interested in the library? What impelled him to give his money for this purpose? It was because, when a poor boy, some one loaned him out of private libraries some books to read. And how many boys and girls are there in this country, whose outward appearance does not seem to indicate they would amount to anything, who are by such influence going to be lifted up to be strong men and women and exert a powerful influence over their fellow-men! I rejoice in the thoughts that have been given us and in the hope that the boys and girls of the future will have great facilities for reading and thinking.

The CHAIRMAN.—I desire to lay a little emphasis upon the suggestion of Professor Wayland in regard to the prominence of fiction in the circulation of public libraries. You noticed, perhaps, that Mr. Dewey referred to the quality rather than to the quantity of the circulation of books, suggesting that it was not enough to have a book read: we must consider the character of the book. I think it is proved by careful statistics that about 80 per cent. of all the books circulated by public libraries are works of fiction, and I have no doubt that a very large proportion of those works of fiction are of second and third rate quality rather than first. Of course there is a large proportion of works of fiction which any one might do well to read. We are well aware that a large amount of information is obtained through works of fiction, and that a great deal of the best writing of the present day goes into works of fiction; but, on the other hand, there is a very large proportion of such works which are worthless from a literary point of view, and which, although not immoral, have the effect to which Mr. Sanborn has referred,—the demoralization of the intellect,—and not only so, but they furnish a sort of stimulus to minds which are not otherwise stimulated, and a demand for that stimulus is developed, which in some cases carries persons to strange excess. I myself, in a public library, have seen a prominent woman of the community, an active member of a Christian church, come in with an armful of books from two to

three feet in depth, which she had carried home with her within one or two weeks before and read in the mean time. That process had been carried on by her through a series of months, if not of years. Such instances are not very exceptional. So that I have an impression that in many communities where there are public libraries the circulation is calculated not to enlighten, not to strengthen morally, but, on the contrary, to demoralize the intellect, if not the spiritual nature; and one of the things which the librarian of the future has to look after is the discrimination of books, to see to it that the right kind of books shall be read,— a smaller proportion of novels and a larger proportion of other books,— especially by the young. It is a great field that lies before us, and it is one which we might do well to consider another year.

Mr. KINGSBURY.— Library statistics are very misleading. The percentage, as shown by the library records, is, as Dr. Anderson says, between 75 and 80 per cent. of fiction. That percentage is made up in this way: Every book that is taken out counts. If some studious girl takes out a heavy work on history or philosophy, reads it for two weeks, and then brings it back and has it renewed for another two weeks, and in the mean time this woman whom Dr. Anderson describes reads perhaps thirty novels, the novels count just thirty times as much as that one history. So that you see the simple drawing of a book gives no close guide or indication of the amount of substantial reading that is done. In our library we have about sixty thousand volumes, and the amount that is spent for works of fiction is very small compared with the amount that goes for substantial reading. Yet this percentage of 75 and 80 per cent. of fiction obtains year after year. It is accounted for by the fact that there are a great many light-minded people, who, perhaps, would be reading something worse or doing something worse if they were not reading novels. William Powell, who was one of the best practical librarians we had in the country, and whose experience was great and whose judgment was sound, said he believed that people read books rather better than they were themselves; that the best way was to let them read what they chose; that, beginning by reading a poor book, they would get interested in a little better one, and then, without knowing it or intending it, would raise their own moral status. I cannot say that this is true, but I think it is a view of the case that is well worth considering in this connection. In purchasing books for any library, there is no question that a very moderate amount annually need be expended in works of fiction.

IV. DEPARTMENT OF SOCIAL ECONOMY.

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1. LAND-OWNING AND HOME-BUILDING BY THE INDUSTRIOUS CLASSES.

AN ADDRESS AT THE OPENING OF THE SESSION BY F. B. SANBORN, OF CONCORD, MASS., CHAIRMAN OF THE DEPARTMENT.

[Read Friday morning, April 19.]

At the outset of this my final address as chairman of this important department of our now ancient Association,— for thirty-six years is high antiquity for societies like ours in America,— it will be well to point out what the scope of our department is and how it originated. At the beginning, in 1865, we followed the original English example, and had but four departments,— Education, Health, Jurisprudence, and Finance. But it was soon found that the fourth department — of Trade and Finance — was too wide in its range, and likely to be too general in its discussions, to meet the practical needs of a country where active philanthropy was so universal as in the United States. The cold deductions of political economy, as then taught (in 1873–74), could not satisfy those who wished actively to aid in social reformations or to diminish human suffering. Consequently, under the stimulus given by a few ladies who were then prominent in the Association, and by those of us who, like the late Charles Brace, George L. Harrison (of Philadelphia), Dr. E. C. Wines, Mr. Brockway and myself, were connected with public or private charities and prisons, we formed at New York in 1874 the present Department of Social Economy. It was intended to take up topics affecting the people in their social relations,— questions of small economies, of pauperism and prison discipline, of savings-banks and their substitutes in many States, the co-operative banks, or so-called "Building and Loan Associations," and many others too numerous to specify. In the past six-and-twenty years

we have considered a very formidable list of these unnumbered topics. To-day we invite you to a debate on as important a subject as any that could have been selected,—the Owning of Land and the Establishment of Homes, by the so-called working-men and working-women,—the latter termed, for euphony, the "Industrious Classes," in distinction from the much smaller number who inherit property or early acquire it, and so never have felt the want of a home of their own. In this enormous class of hand-workers in America the nine millions of the colored races are first to be reckoned, although as yet they have little of the landed possessions or the fixed homes of those who call themselves "the better class."

In a great part of our enormous territory the ownership of land, even by very poor families, has been easy and customary from the earliest period. Hence the singular propriety of Lord Beaconsfield's term, as applied to the American people as a whole, soon after our Civil War,—"a territorial democracy." But at the South the tendency had been, as for a time it was in rural New York, towards a territorial aristocracy, as in England, and most of the European kingdoms up to the French Revolution and the wars of Napoleon. The early "patroons" of New York and the rich planters of Virginia and Carolina and Maryland acquired, by cheap purchase or royal grant, thousands of acres in one ownership; and such were the laws and customs that these estates did not get much diminished upon the death of the owners, as happened in the more Northern States, and especially in New England, until very recent years. The establishment of slavery gradually gave in the South a great body of residents who could not own land: they could not even own themselves. Consequently, when the hour of emancipation struck, with the exception of a small number of free blacks and mulattoes who had been frugal and had acquired land, millions of the Southern inhabitants were landless; while for years those who owned the estates were often penniless. Under these conditions the worst forms of tenant-farming of necessity sprang up; and the acquisition of land in fee-simple by the colored people, which at first seemed easy, and likely to extend rapidly, has not gone so far in thirty-five years as might have been expected.

The exact facts are a little hard to come at, the census investigations at the South, as seen in 1870, and by a recent investiga-

tion in Maryland, not carrying with them the highest authority. More valuable, though covering a much narrower field, are the investigations made under the authority of our associate, Colonel C. D. Wright, of the Federal Department of Labor. These show that the ownership of land by the colored people, and especially of their own homes, has been going on steadily, if not rapidly. So that in Prince Edward County, Virginia, and Montgomery County, Maryland, a majority of the colored people seem to own their homes, or to rent them of other colored persons. In the so-called "Black Belt" of Alabama and Georgia the statistics are less favorable, yet not in themselves discouraging. More serious in its implications is the report lately made by an able writer belonging to the colored race by descent, Mr. W. H. Thomas, whose book on "The American Negro" has been for some months exciting warm debate among the colored people and their friends. He gives but few actual statistics, though indulging in some conjectural figures of what might be done in co-operative farming by the poorer colored cultivators; but his observations on the general morals of the negro, if we accept them as impartial and founded on sufficient observation, do not imply much success in home-building, nor great economic progress in land-owning. We shall hope to hear on these points, during our debate, from those entitled to speak without prejudice, and from full information.

In all parts of the country, but more particularly in the Middle, Western, and North-western States, a great aid in home-building for half a century past have been the co-operative banks or building and loan associations, which first assumed importance in the United States (in Pennsylvania especially, and the neighboring region) about 1855. These interesting establishments were first brought to the notice of our Association in 1874 by Josiah Quincy, of Boston, one of our early members, and the grandfather of the present Bostonian of that historic name. At that time they were scarcely known in New England or in the prairie States of the West; but in the quarter-century following 1875 they have extended wonderfully, and have attracted great attention from economists and legislators. In Massachusetts, for example, where in 1875 there were no co-operative banks, there are now 126, with assets of about $28,000,000; and these assets have been increasing for eight years past at the rate of about $2,000,-

000 a year. In other States, notably in Illinois, Indiana, and Missouri, the assets have been diminishing,— largely in consequence of such mismanagements and frauds as have brought the larger banks and financial corporations into bankruptcies, and their officers into the prisons of various States, or made them fugitives in Canada. But, on the whole, the co-operative banks have withstood this national tendency to fraud and embezzlement more successfully than railroads and national banks have done. There have been more losses from the frauds practised in a single Boston bank (the Globe National) in the past three years than from all defects of one sort and another in the 126 co-operative banks of Massachusetts in the past twenty-five years.

Having reported several times on the general subject of these people's banks (for such the building and loan associations are, except those impostors calling themselves "National Building Associations"), our Department will now present through me some of the latest facts attainable.

The number of these associations, including the so-called "nationals," which rose to over 6,000 in the whole United States ten years ago, is now about 5,500. The two States which take the lead in the number and prosperity of co-operative banks are those which have always led,— Pennsylvania with 1,200 and Ohio with 770. The assets in these States are respectively $113,000,000 and $103,500,000, and the shareholders for Pennsylvania 285,000 and 291,000 for Ohio. In four years past the assets in Pennsylvania have increased some $12,000,000, and in Ohio some $10,000,000. The total assets of the 5,500 co-operative banks in the country are now, by the report of Secretary Cellarius, of the United States League of the Banks, $575,000,000, and the number of shareholders is nearly 1,500,000. In twenty of the United States the proportion of co-operative bank members (shareholders) to the whole population of 50,000,000 is as 1 to 39; but in Ohio 1 person in every 14 is a shareholder. The late president of the League, a neighbor of my own in Massachusetts, Mr. J. Warren Bailey, made these observations in his address at New Orleans three months ago: —

It should be remembered that no State, in proportion to its population, has larger financial interests than Massachusetts; yet I do not hesitate to assert that the financial integrity of the co-operative bank (otherwise known as the Building and Loan

Association) stands second to none in that Commonwealth. Its business is economically managed, and its investments conservatively made. True, the rate of interest is not large, but no shareholder ever lost a dollar of his deposits; and I am not aware that, during its entire history of twenty-four years, any money whatever has been expended for the purpose of influencing legislature, either of an aggressive character or to prevent the enactment of law that might seem injurious. The few who devote their whole time to the administration of the different banks are satisfied with salaries of sufficient modesty to enable a fair rate of interest upon the money invested by the shareholders, ranging from one to two per cent higher than that earned by savings-banks or upon good bonds.

It is alleged, and I dare say with some truth in particular instances, that all the Massachusetts banks are not equally safe in their investments, and that their rate of loaning upon the assessed valuation of city property is sometimes too high. In this respect, however, they do not differ from the 186 old fashioned savings-banks of Massachusetts, with their assets of $574,000,000, and their 1,535,000 "open accounts." Sifted down, this number of depositors probably is no more than a million or million and quarter depositors resident in Massachusetts, excluding those having accounts in several banks, those living in other States, and those deceased. But individual depositors to the number of a million is more than one in three of the State population, a remarkable exhibit. To what extent these banks lend their large assets ($540,400,000 of which are deposits) to their own depositors, or to other persons of small estate, is not reported, and is hardly discoverable except by estimate. It is not likely to exceed 30 per cent. of the whole number of loans, however, judging by returns lately received by me from several representative banks. In some cases the number of such small loans has been diminished by the competition of co-operative banks, which lend only to their own depositors; in others the superior attractions of capitalist investments have increased the average size of the loans. I remember when one of our large savings banks (at Fall River) lent largely to manufacturing corporations in its own city, and paid its depositors 4 per cent. semi-annual dividends, to induce them to continue depositing. The present rate of interest is just half this in the same bank, the manufacturing corporations in the mean time having mostly so suffered by embezzlement, mismanagement, etc., that

they have been reorganized. Soon after the high interest rate was paid, Fall River had some four or five of its chief citizens in prison for crimes against property; and between these distinct events there are believed to have been some relations of cause and effect. At present four Massachusetts savings-banks out of 190 are in the hands of the court for settlement, mostly for mismanagement, more than 2 per cent. of the whole number; and it is believed that these were among those banks which made the fewest loans to their own depositors.

When the co-operative banks were seeking legislative permission in Massachusetts, an argument for establishing them was found in the fact that so few loans were then made (in 1875–76) to their own depositors by the older savings-banks; and they were opposed by several of the savings-banks on the ground that they would decrease the usefulness of the latter, besides being themselves unsafe depositaries. Facts have shown that the savings-banks themselves were more unsafe; a single one (the Hampshire Bank of Northampton) having caused its depositors, within three years past, a loss of $160,000 in a total of about $768,000 — something more than 20 per cent.— by frauds and thefts of the treasurer, who is now in the state prison for his acts. This points to dangers in the extreme confidence apt to be placed in the few managers of our savings-banks, who have very little responsibility to their own depositors, and do not always comply with the restrictions imposed by law on their private and public proceedings. There is a lack of uniformity in the management of these banks which the State inspectors seem unable to correct, and do not always discover until the depositors have suffered loss. They are apt to fall into the hands of small groups of men,— village politicians or the agents of borrowing corporations,— who have more regard to their own interest, political or pecuniary, than to the safety of investments or the convenience of their small borrowers. It is an axiom with veterans in the management of loans that small ones, well secured, are the safest, though requiring more clerical labor than larger and less secure "accommodations"; and this is a lesson that the co-operative banks must learn if they have not found it out. Reponsibility to depositors and publicity are the best safeguards.

The pressing danger in this nation, both social and political, comes from the accumulation of enormous wealth in a few hands,

whether individual or corporate, and the uncontrolled opportunity given to make these accumulations still greater, and to use them for the control of legislation and political administration. In a far less degree this danger existed in the time of President Jackson, and was met by him in a manner not always to be commended for its specific measures, but satisfactory in its general result. His immediate successor, Mr. Van Buren, was perhaps the President best qualified by nature and training to deal with financial questions that the country has seen since Washington, who, availing himself of the genius of Hamilton, and controlling the imprudent temper of that financier, put our national finances on a sound basis. Mr. Van Buren was the pilot that weathered the storm of 1837; but he was unlucky enough, like Virgil's sleepy helmsman, to be swept overboard in a political cyclone. Both he and Jackson held fast to that sound opinion which Wordsworth stated in his letter to Charles Fox, just one hundred years ago, but which has lost none of its soundness in the interim. Wordsworth said (Jan. 18, 1801): —

> I speak of a class of men — small independent proprietors of land — in Westmoreland, called "statesmen," of respectable education, who daily labor on their own little properties. The power which the domestic affections acquire among such men is inconceivable by those who have only had an opportunity of observing hired laborers, tenant-farmers, and the manufacturing poor. Their little tract of land serves as a kind of permanent rallying-point for their domestic feelings. You, sir, have a consciousness, upon which every good man will congratulate you, that the whole of your public conduct has, in one way or another, been directed to the preservation of this class of men, and those who hold similar situations. You have felt that the most sacred of all property is the property of the poor.

We must wish that the successors of Jackson had held to this view. Lincoln did, and laid down his life in defence of that opinion. He died for his sins against unjust property and for his maintenance of the cause of the poorest of the poor. The slave for whom Lincoln died had no property but his fetters. He has now become a candidate for that class whom Wordsworth pictured and Fox championed,— the small proprietors. Against him, and against the yeomanry and the industrial classes of the whole country, North and South, East and West, rises that soulless mechanism of the modern Mammon, that Frankenstein of the

laboratory of Belial, the syndicate-trust. We may see what this monster can do, when war is his game, by the havoc he has wrought in South Africa, seeking to put two little republics in breeches-pocket of Cecil Rhodes and his syndicate of English and German Jews. Lives to the number of fifty thousand, taxes to the amount of five hundred millions of our money, are already devoured by this Frankenstein; and he has been prompted by his fabricators and profit-sharers in England to say that an Anglo-American alliance is the one thing that will save the world from going to what another English creation called "the demnition bow-wows." And good Americans — of that class of which the witty Bostonian said, "when they die, they go to Paris"— echo the aspiration, gaze on the bestial monster with the affection that the rat-catcher feels for his ferret, and sigh,—

> "With such as he, where'er he be,
> May I be saved or damned!"

Who can object to his prayer? doubtful as we may be of the final resting-place of such marvels of the twentieth century. We, however, prefer to stand for the land-owning and home-building of the industrious classes in this nation, and to encourage that by every means in our power. At present we are in an eddy of the current, and it looks as if tenant-farming and the omnipresence of the benevolent despot with the golden crook (crookedly acquired too often, however kindly wielded) were extending all over the land. I doubt it. On the contrary, I am inclined to describe the present dispensation of war and looting as old Nat. Ward portrayed the troubled years of the English Revolution of 1640:—

> Sathan is now in his passions, he feels his passion approaching; he loves to fish in royled waters. Though that Dragon cannot sting the vitals of the elect mortally, yet that Beelzebub can fly-blow their Intellectuals miserably. Nor shall he need to stretch his strength overmuch in this work. Too many men have not laid their foundations sure, nor ballasted their spirits deep with humility and fear. Civil commotions make room for uncivil practises; change of air discovers corrupt bodies. He that hath any well-faced phansy in his crown, and doth not vent it now, fears the pride of his own heart will dub him dunce for ever.

The founders of this Association had just emerged from a long Civil War, in which the cause of the poor man was vindicated as never before in history. They were full of that enthusiasm for

philanthropy which is always the result of a great national uprising. But what they actually saw before them was a country half ruined, and the most topsy-turvy condition of institutions and people. The public debt was immense, public credit uncertain, a dozen States in unwilling submission to an authority they had renounced and fought against for years; a self-willed President, accidentally in power, was beginning to set up his personal caprices against the settled determination of Congress, which finally impeached him; four millions of slaves suddenly dragged forth to freedom, almost without any activity of their own, and put in charge of the future of their late masters, as well as their own. France was upholding imperialism in Mexico; and England, temporarily abstaining from plots against our democratic system, in which she had indulged herself three years out of every four since Washington set us free from her protection, was awaiting her next opportunity to display the same interest in our affairs which she had shown in the Napoleonic wars and during the Civil War. But, on the other hand, the plain people of every foreign country were our friends, because they had seen us contending victoriously for the rights of man against money, and the force of right against might; and they did not believe us capable of joining with their own oppressors in foreign conquest, nor of renouncing our own charter of freedom in order to make vassals of them. We warned the French emperor that Mexico was no place for his armies; and we gave the Mexicans to understand that they were at liberty to govern themselves, as they have done for a whole generation, far better than we could have governed them. We restored to the conquered South its natural right to self-government, and it has gone on increasing in prosperity ever since. We restored our national credit, increased in population by the influx of immigrants, and gave ourselves great opportunities for the national habit of boasting, which we have not failed to improve.

Suddenly we find ourselves, at the end of a whole generation, at odds with half the world, maintaining large armies, building costly navies, and in alliance with European sovereigns whose entanglements and interests Washington and Jefferson solemnly warned us to avoid. Like England, we are wasting hundreds of millions of taxes, drawn from the pocket of the industrious class, as all taxes ultimately are, and with no visible return, either in

commerce, liberty, or glory. The masses of the people, in every foreign country, American or European, view us with suspicion or hatred. The governments of those people are in a maze of doubt as to what this uneasy and braggart nation will do next. We have just as many friends, and no more, as our money will buy; but, when we have bought a titled husband for our daughters, he commonly ceases to be a friend, and does what little he can to prevent democratic institutions from extending into his own country — if he has a country where he is allowed to reside. This is not a spectacle that Social Economy can be expected to see with gladness. Indeed, it is unfriendly to the true economy of society at every point. It increases funerals and diminishes weddings, lavishes incomes on things needless or hurtful, promotes vice, advances murder and suicide to the rank of occupations, legalizes robbery, pursues freedom of thought and speech as a crime, and makes our professions of Christian love and honest peace a mockery.

Largely, as I have hinted already, this disagreeable state of things is due, directly and indirectly, to the rapid accumulation of wealth in comparatively few hands, which, exciting the ambition of poorer men and young men, makes our national existence assume the look of a fierce, incessant gambling game, at which the lowest stake is a million. In the Civil War young men gave away their chance at fortune, as Lowell said of his two nephews,

> "For the great prize of death in battle."

A principle was at stake on both sides,— Freedom and Union here, Independence and State Rights there; and for a principle everything was ventured, with little thought of wealth to come: though others took care, in the heat of the fight, to look out for the main chance. Following this excitement came the enthusiasm for making good the losses of the war, and exercising the altruism, which earnest war, with all its crimes and infamies, usually arouses. Altruism still exists, and takes some gigantic forms, as in the vast benefactions of Mr. Carnegie and the noble enterprise of Harvard University to aid the cause of public education in Cuba. But the common motives put forward by men and newspapers are low and avaricious. The tone of politics and of the pulpit is as base as we remember it in the days before the Civil War. Then, as now, a vulgar prosperity concealed from politics and society the iniquities

and fatality of national immorality. Very likely these periods of degeneration must come in the life of nations. They have come in France, in Germany, and in England, and more than once in our own briefer history. Just now they seem to have become general over the civilized world. We are perhaps no worse than Europe, although we fancy ourselves superior to the Sultan of Turkey. When such times come, it is the duty of Social Science to tell the truth about them, even as English Marvell, in the anxieties of the Revolution of 1640, declared the mission of the poet: —

> "When the sword glitters o'er the Judge's head,
> And fear has coward Churchmen silenced,
> 'Tis then the Poet's time; 'tis then he draws,
> And single fights forsaken Virtue's cause:
> He when the wheel of empire whirleth back,
> And though the world's disjointed axle crack,
> Sings still of ancient rights and better times,
> Seeks suffering good, arraigns successful crimes."

The proper counterpoise to the domination of the millionaire is the establishment of the human millions in homes of their own, on land of their own, making the American people once more a "territorial democracy," and no longer the serfs of the overgrown capitalists or the voting machines of the political boss. This is the contest to which our successors are called, and which the younger men among us will see hotly waged, but in which the victory is secure for the cause of the many against the few.

2. DOMESTIC SERVICE IN THE SOUTH.

BY MRS. ORRA LANGHORNE, OF LYNCHBURG, VA.

[Read Friday morning, April 19.]

It is with an uncomfortable recollection of the ancient adage, "fools rush in where angels fear to tread," that I venture upon my subject.

How rash it seems for me to attempt "to set the world to rights" on this question, when it is the absorbing, apparently insoluble problem of the times! The German Parliament wrestles with it. Our own government in the department of industry has instituted an inquiry into it. Its importance is admitted by all nations, and is felt from the "king in his palace to the maid-servant behind the mill." There is small consolation in the explanation offered by an English servant to her mistress for the general unrest in domestic affairs,— "You see, mum, your class is a-coming down, and mine is a-going up."

> "You can do without friends, you can do without books;
> But civilized man cannot do without cooks."

Upon the presiding genius of the culinary department depend, to a great extent, the health, peace, and comfort of our families. The present conditions of domestic service in the South-land are generally very unsatisfactory to both the employer and the employed. When a Southerner speaks of servants, negroes are always understood. Irish Biddy, English Mary Ann, German Gretchen, and Scandinavian maids are as yet unknown factors in our problem. Black Dinah holds the fort, and rules the roost for us; and, when she will half-way do her work and treat us with reasonable civility, we are wont to be satisfied, look leniently upon her moral delinquencies, and greatly prefer her to any of the foreign tribe.

The present most unfortunate state of things, wherein the mistress complains of rude, inefficient, and dishonest servants, and

the handmaid sulkily avers that "white folks ain't willing to pay niggers nothin' for their work," is the result of great national events, which have wrought revolution in our day, and are symptoms of the tremendous and world-wide struggle between capital and labor, which is the question of the ages, and goes on with ever-increasing vehemence.

In the average Southern community, if a stranger should inquire as to the conditions of household service, the plaint of the weary housekeeper would be the same: "We all employ negroes, but it is rare to find a good and satisfactory servant. The agents from the North and West are offering high wages, and taking away all the well-trained, reliable colored people. Those who are left are mostly what are called the 'new issue,' — negroes who have grown up in freedom, utterly untrained as cooks, housemaids, or nurses. They all plunder us, carrying home with them at night all that they can lay their hands on to feed trifling husbands, or children growing up in idleness. We wear ourselves out in efforts to teach them; and, as soon as they learn enough to make them tolerable servants, they go off with the agent."

To the older matrons of the South, accustomed in youth to the well-trained and faithful servants, whose families had lived for generations with generations of their owners' families, where the interests of all seemed the same, where there were many ties binding upon all, where reasonable discipline was enforced and authority acknowledged, and kindly relations the rule, the present status of domestics seems altogether intolerable. Perhaps we exaggerate the magnitude of the evils, and, in comparison with the people of other sections, are not more uncomfortable with regard to servants than are our neighbors of the North and West.

The faults of which we complain are to a great degree the faults of the servant class the world over, and not alone those of the race once subject to us, and from which we still draw our domestics.

For the colored people much can be said to account for the serious faults which are an unceasing source of annoyance and irritation to their white compatriots and employers. It is to be expected that this first generation after slavery would show many results of the system under which the savage Africans brought to our shores had lived for centuries, until the reckless manner of the emancipation suddenly released them from all restraint.

The best sign for the negroes of our land is that they are fast separating into classes,— a fact to which their white fellow-citizens but too often fail to attach the importance it deserves.

That a colored family can own a home, and the mother stay in it to look after the interests of her household and take care of her children, is a great step upward for them, but does not conduce to the advantage of her white neighbor, who may be in urgent need of a cook. Among our well-to-do colored people it is not uncommon for a servant to be employed, and it is amusing to note that they have just the same grievances to complain of with regard to their help as the white people.

That the better class of colored servants should respond to the seductive voice of the agent who offers "good homes and high wages" in distant regions, for which he is willing to advance travelling expenses, is but to say, that negroes are human, and, like the rest of the world, go where they can make the most money.

Those who are left to the luckless housekeepers of the South are usually of the lowest class, those who are fresh from the abodes of squalid poverty, utterly untrained and ignorant of all that goes to make a desirable servant or household help. They hear glowing accounts of the high wages given in other parts of the land, and, though they lack the qualifications of those who earn such wages, are discontented with the amount they receive. Frequently such domestics give grudging service to the employer, who is at great cost of time and patience trying to train the half-wild, ignorant creature into a cook or housemaid, only to take an abrupt departure when she deems herself fitted "to go up higher." So much has been said to the negroes about the unrequited labor of the slaves that few of them realize the compensations of the system. That the little children were always supported by the master until old enough to earn a living, that infinite time and trouble were expended in training them for the avocations they were to fill, that the old had to be provided for when no longer able to work, that all were cared for when sick or in case of bodily affliction, and always clothed, fed, and sheltered, is seldom taken into account.

The negro mother of to-day who goes into service usually finds that she has to pay house rent, as few employers will tolerate negro children about the kitchen nowadays, while in slavery they

were considered an inevitable appendage thereto. Her family must be supplied with fuel, and they as well as herself must be clothed. The sick must be cared for. And the fund for all these needs is the woman's wages, usually from one to two dollars per week. Among negroes of the lower class the men do little or nothing to provide for their children, leaving the whole burden to fall upon the mother. The same feeling which leads a white man of the upper ten, who has no fancy for work, to seek an heiress in marriage, leads the worthless negro to look out for a wife who cooks for some well-to-do white family, expecting to live in idleness and be fed from the employer's larder. A newspaper writer explained the actual suffering for food that occurred in many families in good circumstances in Washington during the prevalence of a late terrible blizzard, in this fashion: "Such people usually employ negro cooks; and as it is well known that the cook will, if possible, supply her own family from her employer's stores, the custom has become general to buy food in very small quantities,—just enough to last from day to day, thus putting the only available check on the servants. Hence, when for a time access to the market and the grocer was cut off, great discomfort ensued."

In slavery, little account was taken of provisions, where there was usually great abundance. And the negroes, not drawing wages, not unnaturally considered that they had a right to a liberal share where such a large amount was provided,—a theory with which the owner seldom interfered, when it was not carried beyond reasonable bounds. An old black man, who earned good wages in my neighborhood of late years, when his employer remonstrated at his securing for himself the most marketable fruits and vegetables, responded impressively, "The Scripture says, Whatsoever a man soweth, that shall he also reap." Many of our colored cooks of the present time, while eager to take advantage of all the benefits they see in freedom, still cling to the paternal features of the old régime, and consider it very hard and niggardly in the employer to object to dividing the food supply with the hungry family, who await the coming of the toiling mother and her basket as the nestlings do the supplies brought by the old bird.

The most serious objection to this system of pilfering, almost universal in Southern households, is not the harm done to the white people, though it is a great difficulty in the way of economical living, so necessary among our impoverished people. The real

injury is to the colored children, permitted to grow up in idleness, depending for their needs upon what they know is taken from others. "When things provided come without the sweet sense of providing," the untaught, neglected child, accustomed from his cradle to theft and deception, all too easily launches out for himself in evil paths. The life in the street soon winds up in the jail, and it is but a short step from the jail to the penitentiary. How often is the sorrowful story repeated among us of the loving-hearted but unwise mother plundering her employer to feed her offspring, laboring to the extent of her ability to keep her son in idleness, and, when broken down by age and infirmity, seeing him who should be the support and comfort of her old age spending his young manhood behind prison bars! How bitterly is the lesson brought home to her that "honesty is the best policy"!

It is most unfortunate that there should be two standards among the two races whose lot is cast together, and that prejudice should make the whites refuse to acknowledge the classes among negroes, while the negroes regard only the opinion of their own color on questions in which virtue and integrity should be the rule for all. The white people distrust the emotional religion of the negroes, because little influence is shown from it on the lives and characters of its votaries; and the negroes take small stock in the faith professed by their white neighbors. The only hope for a better state of affairs in our relations with the colored people, who are such an important element among us, is in the establishment of schools for instruction in domestic arts.

Under the old régime it was to the interest of the slaveholder to train his slaves to the utmost of their capacity. A docile and receptive race they proved, acquiring to a wonderful degree the civilization of those who held them in bondage, and developing many fine and admirable characters. In freedom all restraint has been removed; and the young generation has grown up lacking entirely the training and discipline general among their people, when every slaveholder had an industrial school for negro youth in his establishment. Such training as was then given in families is well-nigh impossible now, as the instructor has no authority over the pupils. The Hampton and Tuskegee Institutes, and to a much smaller but still encouraging extent the Manassas Colored Industrial School, and the excellent colored Manual Training School of St. Paul's at Lawrenceville, Va., and other institutions of

the same kind within our borders, are yearly turning out students skilled in domestic science. But the aim of the schools in these lines is very properly the training of teachers who will go out into the South and show their people, both by precept and example, how to keep house properly for themselves or for others. The small proportion unable to become teachers, and those who go into domestic service during the summer in order to provide themselves with money to continue their training, are apt to go into Northern households on account of the larger wages offered. . . . As industrial schools cannot possibly supply the demand even for teachers of domestic science, and do not attempt to meet that for household servants, I venture to suggest a plan, which might be deemed Utopian, but seems to me the only practical solution of our troubles.

This is the opening of free schools in every community for the training of girls and boys in the essentially domestic avocations.

Classes under this system should be taught regularly in cooking and all branches of housework. A competent teacher could be obtained for $50 per month with board. The number of teachers must depend upon the needs of the school. In many communities the public school buildings could be utilized, as is now done in the city of Norfolk. Within a radius of a few miles on the lower Virginia peninsula, eighteen schools for the teaching of household arts have been established within five years, and are in successful operation under the supervision of Miss Breed, most of the teachers being graduates of the Hampton Institute.

A kitchen, supplied with all the modern utensils for the culinary department, can be fitted up for $50. The provisions needed for the cooking classes can be purchased for about the same amount per month. The articles cooked can be sold usually, if moderate prices are asked; and what is left over it is well to give the poorer pupils to take home with them as object-lessons for their families. Certificates of standing in the classes should be given at intervals, and a diploma when the whole course of training is successfully taken.

It is difficult to make rules as to wages, as the question of supply and demand applies in domestic affairs as elsewhere. It is probable, however, that the teacher could secure for students whom she could recommend wages at least approximating what they would receive away from home, and much better than the amount usually paid to the ordinary, untrained servant.

If such a school, which, of course, I can here only outline, and for which many practical suggestions might be added, were supported in every Southern community, due regard being given to instill moral, hygienic, and thrifty ideas, along with the household arts, there is every reason to believe that such teaching would soon bear good fruits. Hope would fast strengthen that it could become a paying investment.

The results of the patriarchal system inherited from our colonial ancestors still have such force with us that each separate household is left to bear the ills and discomforts of the situation, without effort at co-operation, so manifestly needed for the cure of them.

If success should follow the opening of these schools for teaching household arts, which there is no reason to doubt, other social improvements, such as regular hours of employment, day nurseries and kindergartens for the children of women employed away from home, more methodical arrangements as to domestic affairs, and other benefits might be confidently hoped for.

The influence of such a system of instruction, properly conducted, must soon be impressed upon the whole class for whose uplifting it is designed. The constant sight of tidy, well-mannered, orderly young colored people going regularly to their tasks, bearing away with them the benefits they have acquired, and putting them in practice in their humble homes and in the families of their employers, would surely raise the standard of all in domestic employment. A wholesome ambition would take the place of indifference. The prospect of better wages for satisfactory service would stimulate the most laggard to efforts in the direction of efficiency.

In time, we might hope that the lower class of colored people, now a most annoying and unreliable dependence for domestic service, would be abolished, in "the only way the lower classes can ever be abolished, by raising them in decency, virtue, honesty, and self-respect."

3. SOCIAL SETTLEMENT AND EDUCATIONAL WORK IN THE KENTUCKY MOUNTAINS.

BY MISS HENDERSON DAINGERFIELD, OF LEXINGTON, KY.

[Read Friday morning, April 19.]

When Jim Howard of Clay County was testifying in the trial of one of Kentucky's prisoners of State last summer, a woman who sat near me said to her companion, "I ain't a Republican nor anything like that, and I don't want you to think I am; but Jim Howard is the handsomest man I ever saw in my life. He don't look like a mountaineer, does he?" "No, he don't," replied her friend. "Neither did Caleb Powers." And then she added reflectively, "Them's the only two I ever seen."

Much judgment of the Kentucky Highlanders, in the Bluegrass and beyond, is as just and formed upon experience as catholic. It is easier to assume that all Appalachian America is inhabited by feudists and moonshiners than to inform one's self of the true character of the people. It is, possibly, more picturesque to imagine all feudists desperadoes than to seek the mountaineer's point of view. The crimes of the hill country are not popular in the settlements; but, on the other hand, the vices of the "level country" are scorned in the mountains. There personal violence is common: violence to property is almost unknown. A theft is rarer in the mountains than a murder in the lowlands. The evasion of the revenue laws may seem, to the New England observer, an instance of dishonesty; but the history of those laws must be remembered before we can understand their violation and the spirit that prompts it.

I do not mean to belittle the faults of the mountaineer; but sympathy always precedes effective help, and it does not suggest condonation of wrong to try to understand the temptation of the wrong-doer.

A majority of the men of the Cumberland Mountains were loyal to the Union during the Civil War. They gave all they had, and gave it freely, for the preservation of the Union; and their reward

was a prohibitive tax on the only crop they could make in the only form in which they could get it to market. A young moonshiner, lately set free in Frankfort after a year in jail, without a dollar in the world, said, as he set out to walk to his home more than a hundred miles away and forty miles from a railroad: "I never meant no special harm. I never heer'd of anything else a man could do with a crap."

Familiarity with the law, however, is breeding respect, and not contempt. The better element, which is strong in the mountains, encourages the more defiant not to "kick against the pricks," but to find, if possible, another use for the "crap"; and moonshining is falling into disrepute. As for the blood-feud, that, like most of the vices and virtues of the Kentucky Highlander, is a plain survival of Scottish feuds and border wars. The blood is the same, the conditions are alike, and the result is identical. The peace treaty lately signed by the Whites and Garrards in Clay County reads like a page from Sir Walter: "Each side agrees to dismiss and disarm its followers; and these followers are to disperse, to be brought together no more by their respective leaders. The principals on each side guarantee the safety of the principals on the other side from their respective followers. It is further agreed that the principals on both sides will absolutely quit the custom of going bail in the courts for indigent men who claim to be partisans on the one side or the other."

Much has been written of the Clay County feuds; but the historian of the treaty writes: "The truth is, there never has been but one feud in this county. Because, whenever a family in this county got into trouble with another family, one side would seek shelter either under the Garrards or the Whites; and, so soon as this was done, the other side, of course, went to the other family. This, at least, has been done for the last fifty years or more. In most of the mountain counties there are men who are leaders in the most literal sense. Not only do their followers go with them to fight, but in times of peace they depend upon them for employment, for counsel, for protection,— in a word, for all the care a feudal baron might have given his men. And for this care they exact and receive abundant service and homage. This system is declining; but its existence all these years explains many of the marvels of mountain life, which the lowlanders seem to find it so hard to understand.

Shooting from ambush is far less common than is supposed, and yet one may meet mountaineers who explain it as a part of the fortunes of war: "You know the man you're lookin' for has got a gun. You would stalk a deer or any varmint that never did you harm. So why should you give warnin' to a man who has killed your kin, and would kill you if he got the drop on you?" There have been from time to time pitched fights between the factions. Yet, after all, a Bluegrass judge recently told me that he had for years kept a parallel record which showed at that date that two killings occur in the level country in Kentucky for one in the mountains. But Bluegrass murders are prosaic, and feud-killings make good newspaper stories. There are, of course, common criminals in the mountains; and these sometimes take refuge with one strong faction or another. But the blood-feud, with all its fierceness and wrong, is, as President Frost, of Berea, has said, "a survival of honest Anglo-Saxon temper." And let none of us dare to judge of the fierce temptation till he has heard the blood of his beloved calling to him from the ground.

The men of the Cumberland Mountains are our brothers in blood, and we have as much reason to be proud of it as they. They differ from us chiefly in their freedom from certain petty vices of the settlements, in the cut of their clothes, and in the greatness of their needs. Their faults are the result of isolation rather than any other cause. "Many a man has been born, lived, and died," as a recent writer has said, "without seeing 'yon side' of the mountain on which his log cabin stood." The difficulty of any social gathering, even at school or at church, can only be grasped when one understands the nature of the country. Mrs. Semple, of Louisville, writes of this section: "The Cumberland plateau is an upheaved area, whose surface has been carved out by the drainage streams into a maze of gorge-like valleys separating the steep slopes. It takes up fourteen thousand square miles of Eastern Kentucky. The eastern rim of the plateau is formed by Pine Mountain, which raises a solid wall with even sky-line, showing only one water-gap in a distance of one hundred and fifty miles. No railroads have attempted to cross this border barrier except at the north-eastern and south-eastern corners of the State, where the Big Sandy and Cumberland Rivers have carved their passage to the west. Railroads skirt this upland region, but nowhere penetrate it."

This land-locked country is rich in coal and iron and oil and gas, and the wealth of its timber is just beginning to be understood. It is true that "logging" has long been the chief industry of all this region; but, while the rivermen are dependent upon the fitful river "tides" to carry the logs to the mills, it is a slow and uncertain business. The logs have often been more than three years on their way before they reach Frankfort. Until the L. & N. and L. & E. Railroads began to penetrate the mountains, the only glimpses the Highlanders caught of the settlements were got in Frankfort, when they came down on the river rafts. The mountaineer still in many counties digs his coal from the side of a mountain, "skims oil" from a sink-hole, and builds his fences of walnut logs. The manager of one of the large lumber yards lately opened on the outskirts of this region says that it is easy to find curly walnut logs worth thousands of dollars cast aside as valueless, because, as a woodman told me, "it is no earthly good for fencing with that curl in it."

Level land is unknown. Roads are rough and few. In the winter, travel is practically impossible. "At the best of times," says Mrs. Semple, "transportation is limited to what a horse can carry in addition to its rider."

This shut-in country is inhabited, as President Frost has said, "by a self-respecting yeomanry,— a vigorous, liberty-loving, Protestant population, owning land, and having the independence of spirit which belongs to possessors of the soil. It has a population more purely American," he says, "than can be found in any other section. It has the unjaded nerves that can steady the nation's thought, as well as the giant frames that can accelerate the nation's industries."

The forerunner of the social settlement work in the Kentucky mountains was the Berea extension work, with its tent-meetings, its lectures and its travelling libraries. Two years ago the Kentucky Federation of Women's Clubs organized and equipped an expedition for mountain settlement work,— an experiment whose spirit was all that modern sociology could desire, and whose concrete expression was four women in a tent. "Camp Industrial" was located forty miles from a railroad, but near a thriving mountain town of six hundred citizens. The campers were looked upon at first with some suspicion by the independent Highlanders, who were willing to be taught, but feared being patronized. One, at

east, of the campers had been among them before and was their friend already. Their hospitality to the strangers was ready and unfailing, but the invitation to Camp Industrial was a newer ideal and one to be accepted by degrees. First the children, then the mothers, then fathers and brothers, and finally the whole community,—it was so that the wise campers won their public.

When they returned last year, this time for a four months' stay, a Congressional candidate was speaking at Hindman. A small boy rushed into the gathering with the news, "They're comin'! They're comin'!" Eager eyes were turned as the messenger pointed; and, as the crowd caught sight of four women on horses, the pack-horses with saddlebags and riders following, the speaker heard such cheers as, he declares, he had not heard before in all his life in the hill country. "What is it?" he asked as soon as he could be heard. The answer came from a dozen throats, "Judge, hit's the best thing that ever came to Hindman."

But a better thing is planned for Hindman. The head resident of Camp Industrial, under the auspices of the Kentucky Woman's Christian Temperance Union, is working, with the zeal and tact which are her birthright, for the establishment of a Home Industrial at Hindman. The woman and the work have found each other, and she is not content with a summer life among her Highlanders. "Tardily we are learning," she says, "that the very best material in our country is in the mountains in a crude shape." Many places have put in pleas for this wonder-working school and home that is to come to the mountains; but Miss Pettit writes, "The call from Hindman seems to be loudest." The citizens offer $800 to help secure it. One woman says she will get $100 for it, "if she has to snag it out"; and, if any of you have ever dug ginseng "amongst the rattlers and copperheads and one thing and another," you will understand that devotion can go no further.

And yet it was very simple, natural work these women did. They made a home in a tent. They made it pretty with pictures and the little comforts that had not before been carried over the mountains. They set a table with white linen and china and beautified it with flowers, and then they offered the hospitality of their tent as freely as the mountaineers had offered that of their homes. Wherever they had stopped overnight on their ride across the mountains, when they had asked on leaving, "What do

we owe you?" the answer had always been, "Nothin' but to come agin and stay longer." So the mountaineers recognized genuine hospitality simply offered; and little children and women, men and boys, came to see this new life in a tent, with the "pretty things" their lives had been denied.

The eager questions of the visitors, their shyness having melted in the genial atmosphere of Camp Industrial, were answered by practical help. The "little white biscuit" attracted the attention of women who thought "you must put in a plenty of soda to make your bread yaller," and cooking classes were started. A pretty mountain girl admired the hemstitched tie of one of the campers and a sewing class was formed. Even the men thought "things to eat went better when they looked pretty"; and sweethearts and wives determined to "set posies amongst the victuals," as they did at Camp Industrial. A folding organ was part of the camp outfit, and singing lessons were inaugurated. The children hung wistfully about the camp, and kindergarten games and occupations were taught them.

The campers visited their friends in sickness, and tactfully offered suggestions for fresh air and baths; and simple receipts for nourishing broths and convalescent diet were seized upon by women who had watched helplessly beside kindred who died for lack of the help they would have died to give. The mountain boys struggled to control the habit of swearing that grieved the gentle women at Camp Industrial; and a five-year-old baby determined not "to chaw no more, because the camp ladies didn't chaw."

The plan for a permanent settlement includes a first-class school with kindergarten, normal and industrial departments. It requires more money than the Kentucky Woman's Christian Temperance Union can supply; but the experience of the head worker has taught her that a work begun is more generously helped than an undertaking still in the clouds. Her courage inclines her to begin, simply but sturdily, on small means; and, surely, the results of the work already done will incite people to seize this opportunity for the best of investments. In the summer of 1900 another party of workers, sent by the Gleaners, a society of the Episcopal Cathedral Church at Lexington, went to join Miss Mahan, the resident worker appointed by the Board of Missions at Beattyville and Proctor in Lee County. Miss Mahan is a

mountain woman, with all the noble virtues that thrive best where people may "lift up their eyes unto the hills." The fact that she was raised among them gives her a hold upon the Highlanders such as no outsider could win. She can make to them the surest of appeals: —

> "I have eaten your bread and salt,
> I have drunk your water and wine.
> The deaths ye died I have watched beside;
> The lives that ye lived were mine."

The helpers who went to her last summer were surely the selections of a watchful Providence. The New England woman, who went from the Chandler Normal School at Lexington to spend her vacation teaching a cooking school, was so full of helpfulness that her ignorance of the people and their astonishment at her manners and methods was bridged over and firm friendships built across it. Miss Mahan herself taught the sewing class, which is a permanent institution; and the others gave most of their time to the kindergarten. Children far beyond kindergarten age came for the happy mornings, learning gentleness, handiness, and helpfulness. Grave babies, whose mothers had no time for play, even had they had memories of childish games, learned kindergarten plays and songs. Mothers and fathers watched and learned, and Froebel's sunshine made new light on the mountains.

These women — like all those who see the hunger and thirst of the shut-in lives, the gratitude that almost makes ashamed, it is such large reward — came home bent upon more effective service. Just before they left, a child came across the river to see one of the kindergarten teachers. "Miss Walby," he said, "I want to tell you it's a good thing you all came when you did. Before the kindergarten came, it seemed like I didn't care for nothin'; and now I wouldn't begrudge to try anything. I tell you the kindergarten's a *agger*."

This spring it is intended to open a neighborhood house in Lee County, on the Proctor side of the Kentucky River. A mission house is already there. Two hundred dollars will make it safe: a little more will make it safe and comfortable. Here Miss Mahan and at least one other resident, with visiting assistants, will make a home to which they can invite the mountain girls to stay for two weeks at a time, learning the rudiments of home-making. There will be classes also,— cooking classes, sewing classes, classes in

kitchen and flower gardening, carpentering, if possible, but this is as yet only a hope,— and, above all, the blessed kindergarten. Six to eight hundred dollars a year will make all this possible and permanent. If there is either common sense or benevolence among us, such a plan will not fail for lack of so little. The only established social settlement yet in Kentucky is Neighborhood House at Louisville, of which Miss Anderson is head resident. The Lee County Home can have no better model; for, different as are the conditions, the methods at Neighborhood House are those at the foundation of all successful helping. Dr. Paton once said, "You can't learn sociology by going up people's back stairs and asking how many children they have and what they had for dinner." The only way to knowledge or helpfulness, as it seems to me, is the old rule, which is apparent in every act and word and class and club at Neighborhood House,—"Let brotherly love continue."

Settlement and educational work must of necessity go hand in hand in this field, if the best work is to be accomplished. The settlement idea, by name at least, is, however, comparatively new. There is, of course, a public-school system; but the term is only five months in the year. The sessions are held in a one-room log cabin, and the school age seems to be from three to twenty-one. The counties are poor, the roads, where there are any, often impassable, and sometimes here, as elsewhere, partisan politics control the schools to their hurt. I heard a mountain father say the other day: "I want my child to have all the good larnin' she can get. I tell you what I've been thinkin' about. Let's tell the superintendent afore the next primaries that we aim to run a man for superintendent of schools that's interusted in *schools* as much as anything else." It might be well to introduce this original plan into the level country.

In spite of poverty and insufficient equipment a superintendent "that's interusted in schools" can do much. Knox County, I have heard Judge Tinsley assert, presents a contrast to the surrounding counties in its public-school advantages, its modern equipment, and the progressive tone of its teaching; and this revolution, he says, dates from the time that Caleb Powers, Secretary-and-Prisoner of State, was superintendent of Knox County schools.

The public school-teachers who have ambition, as well as the young Highlander whose aspiration points in other directions, have a treasure-house in Berea or in the Lees Institute at Jack-

son in Breathitt. Berea, which last year had 740 students in its various departments, is perhaps the best known of all Kentucky schools. It is the pioneer mountain college, and very fully equipped, though its needs grow with its usefulness. Men from the North and East are among its trustees; and its president has a genuine enthusiasm for his work, and, besides, he has the gift of expression. People remember and quote his phrases. So how can they forget his work? Besides its normal and academic courses, Berea has trade-schools, farming, gardening, printing, forestry. It encourages self-help; for no institution would be of value, should it try to undermine the sturdy independence of the mountaineer. A student is offered every opportunity to work out his tuition, and the scholarships established by wise benevolence foster ambition of the best sort. Among its latest and best departments is the Berea General Hospital, with a two years' course in nursing.

Lees Institute, a Presbyterian school, with academic, normal, and industrial departments, is at Jackson, the terminus of the Lexington & Eastern Railroad. When ground was broken for the school building, there was no railroad near. Now the school is the pride of a thriving town, and has about 350 pupils, 270 being at Jackson and 80 at the new McCormick Chapel across the bridge in South Jackson.

The Industrial School was opened only a year ago, and its success has surprised its most hopeful promoters. It had been feared that an industrial school would not seem so desirable as "book learning" and a "certificate." They find, however, that a cooking certificate or a carpentry diploma is sought as eagerly and earned as sturdily.

I heard a mountain evangelist talking to the members of the cooking school this spring, his fine eyes beaming upon them, but conviction in his voice. "Girls," he said, "you can never be called to more important work than this. The saving of your souls depends upon it. For you know that no murderer can enter into the kingdom of heaven, and suicide is murder; and such cooking as some of you have done before you learned how was suicide." He must have felt reassured as to the spiritual welfare of that class as he partook later of the luncheon served by these girls to the members of Presbytery, then in session at Jackson.

Later the Presbyters inspected the carpentry department; and the boys, who were busily at work with saw and plane and

chisel and lathe, glowed with pride as they heard the declarations that the State College at Lexington could show no finer work than the specimens of work completed by the class that had been formed in September. The senior class presented a beautifully turned and polished gavel to the Presbytery, and the young teacher told us with what genuine enthusiasm the boys had made the railing in the new church at Jackson. The boys never suspect, as they put their whole hearts into the work they are engaged upon, how deep are the lessons they are learning; for, if the brain can command intelligently, and the hand obey skilfully, success in life is possible and near.

The great needs of the Lees Institute are: first, a better library; and, secondly, a big room where teachers and students can assemble in the evenings. The school-rooms are pleasant, and the dormitories comfortable and homelike; but there is no common meeting-place, and the gregarious instinct of the true mountaineer has been so long thwarted that it needs cultivation now.

The Episcopal schools at Corbin and Altamont are among the new activities of the new diocese in Lexington, in which part of the State the mountain counties lie. The schools are young and small; but each has the beginning of an industrial school, and has a common school course, faithfully taught by competent teachers. The Episcopal High School at Beattyville was established before the division of the diocese, and was from the first connected with the Beattyville church, which, as the Lee County Episcopalian will tell you, "is named St. Thomas, in honor of Bishop Dudley."

The work at Altamont presents peculiar phases, for it is a mining town; and the life of the miner is quite separate from that of the native Highlander. His isolation is even more complete as to the outer world. Coal-mining is not the cleanliest of occupations. And, when water must be carried from a spring half-way down a mountain, heated in an open bucket before an open fire in a one-room cottage, a bath is not as attainable or as refreshing as the one that may be had in a city house by turning a faucet. When the miner's social efforts are marked by a grimy trail, he conquers, and after a while loses his social instinct. At Altamont and at other mining towns the great need is a parish room with baths; but the room would have to be tactfully offered, and the tired man made to understand that it was his club, a social opportunity, and not a charity.

Besides these schools and settlements, actual and prospective, are the travelling libraries and travelling pictures sent by the Federation of Women's Clubs and from various local and individual sources. Last summer one of the libraries was put at a post-office more than thirty miles from a railroad. The postmistress reports that the first man who entered the office said he had come over across "Sally Troublesome," one of the forks of Troublesome Creek, to see if he could not get something to read from her. When she showed him the new riches of reading matter, he said, as he took a volume: "Thar won't be any sleepin' done at my house to-night, I reckon. Hit's be'n so long sence we've had anything to read, I'll read and the rest will listen till sun-up, shorely." Even in Lee County, which is entered by a railroad and is therefore somewhat less isolated, and which is only sixty miles from Lexington in the heart of the Bluegrass, men and boys, girls and women, walk six miles across the mountains to see a Perry picture.

There is no better manhood, no finer womanhood, than that to be found in Kentucky's mountain districts. The men are brave and loyal, the women pure and patient. But both the material riches and the wealth of character that lie among the Kentucky hills are locked in, and the key is on the outside.

We need the Highlanders, and they need us. As the Clay County mail-carrier said to Mrs. Frost, "Mixin' larns both parties."

The key to the problem is in the settlement idea. Schools and homes are the needs in the Kentucky mountains, as everywhere. Think for a moment of the far-reaching benefit of kindergarten teaching on the mountains. Froebel's ideal of independence with interdependence, gentleness with strength, loving kindness with truth, would develop the mountaineer in the points wherein he is weak, and strengthen his strength. Much of the feud-feeling comes from the narrowness and isolation that fosters a brooding spirit, and makes a little wrong loom large. True kindergarten work develops mind and body and spirit, encourages all right activities, and puts life in true perspective. It teaches the honor due to law and the beauty and blessedness of an ordered life.

The effective settlement applies Froebel's plan to every department; for his was not a system of teaching, but a philosophy of life.

The question for the mountains may be answered thus, or the

insane asylum will still be Kentucky's solution of the problem for the women, whose monotonous lives breed madness; and mountain fathers will still find, "hit's a mighty sight easier to get our children into jail than into skule."

Before I have done, I want you to understand a matter which for more than a year has hindered the work on the mountains. Popular prejudice, as so often happens, has been excited by a popular misapprehension. When, on the 25th of January, 1900, a thousand mountaineers came to their capital city for a public purpose, the press teamed with stories of "a mountain mob," "a band of marauders," "a host of desperadoes." The cry resounded far and near, and one may still hear its echoes whenever an appeal is made for sympathy or help for these brothers of ours. Even President Frost speaks in the *Review of Reviews* — half-jesting, it is true — of "the invasion of Frankfort by a horde of Highlanders"; and Mr. Fox, in the April *Scribner's*, writes of that gathering, and says, "It is more than probable that Mr. Goebel's assassination" was the act of one of these.

During the conspiracy trials of last summer, the coming of the mountaineers, their object, their acts, and their whole record, became the subject of the closest judicial investigation. The facts in the case may therefore be considered established, and I speak by the record.

On the 14th of January, in the most conservative church in Lexington, I heard an Episcopal minister urge his hearers, as they valued their manhood and their freedom, to go to Frankfort to see for themselves what was being done by the legislature in their names, and to show their representatives, by the force of their presence, that they were watchful. The men of the Bluegrass said, "We ought to go." The same appeal was made to the men of his district by the Secretary of State. The mountaineers went. They carried their rifles, and would as soon have come without their hats. I suppose one might have counted on the fingers of one hand the men in Frankfort at that time who were unarmed. The mountaineers entered Frankfort one thousand strong,— representative men of good character, sober, discreet, determined; such men, Caleb Powers said, "as would not bring discredit upon the mountains." They came not as an organized body, but as individual electors, and under such general leadership only as attends any orderly excursion of a large number of people. They carried

their guns to the Agricultural Building on the Capitol Square, and left them there. They then gathered around the steps of the Capitol, and were addressed by Charles Finley and others. Resolutions were drawn up and adopted, praying the legislature in respectful and eloquent terms, to remember their oaths and their responsibility to the freemen whose representatives they were, and to protect Kentucky's honor in an hour of grave danger. The resolutions were given to a committee of two for presentation to the legislature. Their committee was refused a hearing: the petition was rejected unread. Thrice the petition of these men was offered, and thrice rejected by the sworn servants of the people in legislature assembled.

Meanwhile the men who had come half across the State to show that love of liberty was still alive in the hearts of Kentuckians were subjected to all manner of petty affronts by the people and the police force of the town. "I tell you it was worse than a war when those mountain fellows were there," a Frankfort woman said to me. "Why, what did they do?" I asked. And she replied in an awe-struck whisper, "They eat in the open."

"Eating in the open" — those poorly clad freemen on that January day — seems to have been the head and front of their offending; for, their petition being persistently refused a hearing, they went quietly back to their homes. Though I have seen dozens of plainly hostile witnesses on the stand, who swore they "were alarmed by the mountaineers' fierce looks" or "their uncouth appearance," not one single witness testified to a single act of violence or disorder on the part of any of those men.

Though a man has been sentenced to the Kentucky penitentiary for life whose sole offence was bringing those free men to Frankfort to assemble openly, and peaceably to petition their representatives, it seems to me, though my political bias is not in their favor, that the men who came there for that purpose and peaceably executed it are the only men in Kentucky who have proved themselves fully worthy of their franchise. Yet it was for that act and the purpose that lay beneath it that Senator Blackburn declares, "The thing to do with the Eleventh District is to put dynamite under it and blow it to hell."

Words like these and others as perverse, if less rash and wicked, have blinded the eyes of men in the lowlands and hardened their hearts toward their brother in the mountains, his need, his hunger, and his rightful claim upon us.

"Seemeth it a small thing unto you to have eaten up the good pastures, but ye must tread down with your feet the residue of your pastures? and to have drunk of the deep waters, but ye must foul the residue with your feet? . . . Therefore thus saith the Lord God, Behold I, even I, will judge between the fat cattle and the lean cattle. . . . Therefore will I save my flock, . . . and I will make them and the places round about my hill a blessing; . . . and they shall no more be consumed with hunger in the land."

At the conclusion of Miss Daingerfield's address the chairman of the department, Mr. Sanborn, called upon Mr. Andrew F. Hilyer, of Washington, to give some information in regard to the progress of land-owning among the colored people. Mr. Hilyer responded as follows: —

It affords me a great deal of pleasure to be here this morning, and to listen to the very instructive papers that have been presented, and also to hear especially the papers by our old-time friend and worker, Mr. Sanborn, who was an abolitionist before the war and who has been a friend of humanity all of his life, and by our good friend Mrs. Langhorne, who, most of all the white women I have ever heard speak, enters into our condition and is enabled to understand our position better, much better, than the average white person is able to understand it.

I have but a few minutes to speak; and I shall confine what I have to say to the efforts that have been put forth by the colored people, especially of the South and of this city, to get homes for themselves. As has been suggested, and as is well known, when the colored race was emancipated, they had practically nothing. There was no such thing or very little of any such thing known as a home to them. They owned little or no property, and the family life was wholly undeveloped. Whatever progress they have made has been since the time of emancipation, a period of thirty-five years; and I desire to state that I do not by any means take a despairing view of the progress the colored people have made in what may be termed the foundation of civilization,— home-building and the family.

Having had notice from Mr. Sanborn that I might be called upon to present some facts on this phase of the subject, I have taken down from the census reports of 1890 (which were not published until 1896) some figures which show that the progress the colored people had made in home-getting up to that time, which was only twenty-five years after freedom, was very satisfactory indeed. In order to get at the relative importance of this movement among the colored people, we must compare them with the condition of the white people; and I have always maintained that all statistics that are made on the basis of comparing the progress of the colored people with the status of the white people are unfair to the colored people in this,— that they form the more backward and poorer elements of the society and of the community in almost every part of the country. It would be just as unfair to take

all the ignorant and illiterate Poles and Irish and Russians and Jews that have come to this country since emancipation, and carefully aggregate them in any community and get statistics as to their death-rate, their illiteracy, and the amount of property owned by them, and compare them with the great mass of other white people. That would be unfair, and such a comparison of statistics to show the condition and progress of the colored people is unfair. So, when we get statistics about the progress of the colored people in comparison with the status of the white people, a great deal of allowance must always be made for the fact that the white people have been progressing and have been free for untold ages, whereas the life of the free colored person in this country is a little more than a generation.

Before quoting figures from the census of 1890, I desire to state that a very careful and persistent effort was made in that census to get at the question of home-owning,— those who owned their homes free from encumbrance, those whose homes were encumbered, and the amount of the mortgages that were upon them. There was a great deal of discussion going on at that time about this question; and the Census Office made an elaborate investigation, and published the results in the volumes on homes and mortgages, which were not published until 1896.

Of the total number of white persons living on homes and farms, 51.48 per cent. are owners and the rest are tenants; and, of those who are classed as owners, 71 per cent. own free, and the rest have encumbrances upon their property. Of the colored people who are on homes and farms as proprietors, 11.7 per cent. own free, and 89 per cent. have their property encumbered. It would be a much fairer proposition to compare the progress of the colored people that had been most prosperous, and not that of the colored people, mostly of the poorer elements, that have been segregated in the South. Such a comparison would show that 47.8 per cent. occupy homes and farms, and that 72 per cent. own them free from encumbrance. So that, while a small fraction more than one-half of all the white families in the country who occupy homes and farms own them, nearly one-fifth of all the colored families who occupy homes and farms own them. In regard to the fallacy that all the colored people have their homes mortgaged, I would say it is not true, because of the white families 71 per cent. own their homes free from encumbrance, while the colored own 88 per cent.

The above are the general facts relative to farms and homes; but it is in the cities, where the opportunities for employment on wages have been much better than in the country, that we find the colored people have made the greatest progress in the acquisition of homes. Of all the farms and homes owned by colored people, 54.3 per cent. are in cities and towns of 8,000 inhabitants and above; and there is only 12 per cent. of all the colored people in the country living in cities and towns of 8,000 inhabitants and above. There are 449,632 farms with colored proprietors; and of these 120,338, or 22 per cent., were owned by them, and 85 per cent. free from all encumbrance. But in all the cities and towns and villages in the country the colored people occupy 861,137 homes; and they own 143,850 of these homes, which is 16.6 per cent., and 88 per cent. of them are owned free from encumbrance. These are the general facts.

If you will bear with me a moment, I will give the condition of things in detail in one or two places. In the District of Columbia, where it may be stated with reason and with justice that the colored people have had the best opportunity for development that has been open to them in any other part of this country of equal population, we have a population approximating 90,000. The figures for the census of 1900 have not been given, but there is no doubt it will not vary much from 88,000 to 90,000. That is about 32½ per cent. of the total population here.

I have been at some pains lately to make an investigation into the occupations of this colored population. There are about 250 colored clerks in the Departments and about 400 colored teachers in the public schools. The total number of government employees, including all classes of labor, is a few over 2,000. If we exclude the clerks and the teachers and restrict our investigations to the laborers, we find that they number a few over 1,200; and their wages would average about $60 a month. The most of the colored population here are teamsters, in domestic service, porters in stores, and in such other occupations which are, as a rule, the poorest paid in any community. And yet in 1890, twenty-five years after emancipation, over 2,100 colored families in the District of Columbia owned their homes, which is 15 per cent. of the total number of colored families here, whereas only 30 per cent. of the white families owned homes. So you see that after twenty-five years the colored race has progressed so far in the acquisition of homes and lands that it is only one-half as far behind the whites; and, from my personal knowledge and talk with many others who have kept track of the question, I feel sure that there has been no retrograde movement during the last ten years, but that, when the figures for the census of 1900 are known, they will show a gratifying increase.

In the State of Georgia, where the colored population amounts to perhaps 48 per cent. of the whole population, a very gratifying progress has been made. According to the testimony given the other day before the Industrial Commission by Professor R. R. Wright, who is at the head of one of the largest industrial schools in the South, — the Industrial State College of Georgia, — in 1879 the value of property owned by colored persons in the State of Georgia — and I desire to state that in Georgia they keep a separate account of property owned by colored and white persons for school debt and special purposes, and that therefore there is every reason to believe that these figures are authentic — was $5,182,000. In 1886 they owned 802,000 acres, valued at over $8,600,000; and in 1900 they owned 1,000,075 acres, valued at over $14,000,000. The fact that the colored people own 1,000,075 acres of land is very gratifying, indeed. This is more than the State of Rhode Island, and nearly one-fourth of the State of Massachusetts.

The State of Virginia does not compile separate statistics on land-owning; but for administrative purposes, the tax collectors in the various counties have kept these records, and the statistics were given in a paper that was read by Charles B. Jackson last summer before the conference of colored business men in Boston, called by Mr. Booker T. Washington. The author of the paper said he had very carefully collected these data, and I believe them to be substantially correct. One-twenty-fifth of all the land in Virginia is owned

by colored persons; one-sixteenth of all the land east of the Blue Ridge is so owned, one-seventh of the county of Middlesex, one-sixth of Hanover County, one-third of Charles City County; and they are acquiring land at the rate of 50,000 acres per year.

This movement does not exist in Virginia and Georgia alone, but it exists all over the South. Prominent colored men, like former Congressmen Murray and Smalls, have organized companies and obtained control of considerable tracts of land, and are selling these tracts to colored tenants and owners on long time and small yearly payments. This movement is going on in North and South Carolina. The industrial schools have taken up this matter in Alabama; and at Calhoun, a small town about thirty miles from Tuskegee, a company has been organized, and is managed by the teachers. They have succeeded in getting control of 2,500 acres of land, and have subdivided it into small tracts and are selling them to colored tenants and purchasers. At the last Hampton conference a most glowing report of that movement was received, showing that after five years' trial the people were making noble progress, considering all their disadvantages, and that very few defaults and failures had been made.

I want to commend Mrs. Langhorne's very interesting suggestion that the acquisition of homes by these people, and the building up of the home life, have had considerable to do with the derangement of the servant question. She very wisely remarked that every race and every people, if they are worthy of American citizenship, should look upward; and while domestic service is an honorable occupation, and which no one engaged in should look down upon, but should dignify, yet we cannot blame those who are engaged in it from getting away from it as fast as they can, if for no other reason than that it is poorly paid, that it is underpaid, and that the hours are long and exacting. It is a subject to which I have given considerable thought, and I hope the time is not far distant when Mrs. Langhorne's suggestion of domestic science schools will be carried out. If we call those engaged in this kind of work domestic servants or hired girls, we are going to injure the cause in the beginning, because the very best colored persons, fitted for that kind of work, will probably shun it; but, if we can succeed in some way or other in dignifying the thought, the labor, and the occupation, it will not have the distasteful surroundings it now has. The more intelligent of our colored girls could go to these schools that Mrs. Langhorne suggests, thoroughly learn the business of domestic science, and then return to their respective communities and teach their sisters the science. All realize that one of the causes of the great unpopularity of the colored races at this time is at the point where the white and colored races touch most,—the point of public service. There you will find the greatest friction; and there is so much unsatisfactory service and so many unsatisfactory conditions existing there that, if anything can be done to ease the friction, a long step will be made in the direction of reinstating the colored people in the good favor of their fellow-citizens. Therefore, I think it very important that the intelligent colored people and the thoughtful white people, those who wish to approach this question without clashing and without prejudice, should give consideration to the question of public service. And I am quite sure that, if a movement should be started for training and

teaching these people in the way that has been suggested, it would be successful.

Mr. McKelway.— If I understand Mr. Hilyer correctly, I am inclined to question whether one of his remedies would prove to be a remedy at all. He seemed to think that, if the term "domestic science" was given to a branch of labor which is menial, which is necessary, which is respectable, as all labor of that kind is, there would be a kinder feeling brought about. I do not believe that the objections to those terms exist exclusively among colored people. We used to have women clerks in our Northern cities: they are all sales-ladies now. I had a body servant once who told me that he was a lawyer and had graduated from Howard University. I said to him, "Why is it that you are working for me, if you are a lawyer?" He replied, "All the colored people who have any lawsuits insist upon employing white lawyers, and the white people who have lawsuits have no use for colored lawyers." So he preferred to earn wages at something he could do. He then told me that my "wash lady" was waiting outside the door. If we would call things by their right names, we would make a good beginning.

I am paid a salary. I do not care whether another man calls it my wages or not. That salary represents my wage. My work represents what I give for it; and the use which other people make of my work represents my claim to my wage, which is what they pay me. I do not see why help should not be called servants. I do not see why employers and employees are not just the same in the dictionary that they are in actual life. Human beings are under obligations to one another and owe one another, one owing service, the other owing money, the ability to pay the money drawing the service, the ability to give the service creating a right for the money, and increasing the sum tota of that money. I do not see why, instead of domestic science, we should not say housekeeping. I do not see why housekeeping, dusting, washing baking, should not be called by their right names, just as any other work,— painting, bricklaying, carpentering, and glazing. This whole tendency to refine terms, under the idea that we can thereby veneer things, is not peculiar to the colored people: it is common among all of us, and it is a sham. It is something by which we wish to please our ear, and, if possible, to cheat our sense and impose ourselves on others for what we are not.

I believe that the level of service is rising. I believe that people are learning the responsibility which attaches to those who work and to those who hire work. I think I can see in my own business a growing disposition to give references less willingly, less absolute in their terms, less general in their terms, and more specific. I think I can see a habit among those who hire work to do with references what politicians sometimes do with election figures, — go behind the returns,— to go to the houses and see whether the reference was given for the purpose of getting rid of some one they did not want and pushing him on some person about whom they did not care: whether, in other words, the reference had any more reality or sincerity about it than a general invitation to come and see one, or a letter of introduction, not so specific as the one Mark Twain wrote, in which he said the bearer had all the qualities which would make him a most excellent stranger.

What we need, Mr. Chairman, is reality, sincerity, honesty, simplicity, and

a plain look at the facts in the case. Frankly, I do not believe that the negro question in this country is in anything like the peril, the difficulty, or the doubt that it was some years ago. The best men and women of both races and of all parties are interested in it: they are stirred by it. It is not superior to be cynical and brutal and arrogant and unsympathetic, as it once was, in politics and in church. It is not respectable to be Pharisaical, as you suggested in your remarks: the publican is the better off man of the two. Our best men and women are attending to this question, they are feeling their responsibility for the amelioration of conditions; and there may come a time when to be the friend of the colored people may pass from sympathy to sentiment, from care to coddling, from observation to flattery and patronage, and we may have to restrain that which is now becoming a fad, which may become a fashion, and which may degenerate into a foible. There may come a time when the better class of colored people may form organizations for the restraint of excessive white enthusiasm. Certainly, the case takes care of itself. Yesterday was discussed a question affected by a relation to humanity, regardless of its chromatic or polychromatic environment. To-day have been discussed questions affected by the same relation. We have had able, effective, and in some respects even pathetic addresses; we have had encouraging public attendance; we have had the assurance of the respect and sympathy of those who listened to us; and, while much in actual work remains to be done, doubt is over, a decision has been reached, and the battle in that respect has already been won.

I wanted to say something about our admirable Chairman's salutatory valedictory, but I shall not. I know I could pick as many holes in it as he could in the scheme of things, and probably I would be 50 per cent. right and he would be 50 per cent. right — that is, we would both be right from our point of view, and those who agreed with me would be critical in their attitude toward him, and those who agreed with him would be critical toward me. But what, after all, matters our differences? Any creed or belief that produces,— and I speak this without flattery, with all sincerity, and, within myself, with a measure of affection,— any creed or belief in politics or religion or morals that produces a career and a character like that of Mr. Sanborn is to be congratulated on its product. Men of my way of thinking and men of his way of thinking battle one another sincerely, sometimes savagely; but it seems to me that our battles are as foolish as were the contentions between old Lyman Beecher and William Ellery Channing. They represented two entirely different views, two entirely different traditions, and, as if they were battleships, they bombarded and broadsided one another, without either sinking; and they would both keep the seas of disputation red with the blood of controversy and the air violent with the vocalism of fury, and, when they got through, they found that by the very violence of their own reverberation they had drifted out of the ocean of contest into the port of peace, and as much of the eternity as they passed there was at first taken up with the surprise that each had found the other was in the same harbor of happiness.

I am sorry that you, after having been in this department since 1874, have insisted on relinquishing the head of it. We have caught you and imprisoned you within what we call the doubtful, historically prominent, and mercifully

obscure position of a Vice-President. We must keep you there as long as you are in the flesh. We must keep your splendid personality and your noble spirit and our love for you as an absolutely lasting condemnation, expiation, and pardon of your erroneous sentiments. It is in our hearts to wish you as much happiness as you would wish your kind. It is in our hearts to wish our kind as much happiness as you would wish of unhappiness toward those whom you think bring unhappiness to your kind. This is not apologetic, this is not analytical, this is not historical, this is not controversial; but it is very sincere. And I do think I speak the sentiment of every man and woman here, and every man and woman outside of this place connected by interest, knowledge, or aspiration with the best objects of this Association, when I say, May you and your family live long and prosper!

4. THE BEST TREATMENT OF CRIMINALS, WHETHER FELONS OR MISDEMEANANTS.

BY Z. R. BROCKWAY, OF ELMIRA, N.Y.

[Read Friday evening, April 19.]

It is perhaps sufficient to say, at the outset, that the practical prison reforms in our own country during the last retired century consist mainly in the adoption of the so-called indeterminate sentence and parole law; the establishing of reformatory prisons for adults; and the new management made necessary by the change of sentence. The American Bar Association published under date of August, 1898, that twenty-five States had then parole acts of some character in operation, with four States awaiting their enactment upon the advice of the chief executive thereof. Ten years ago New York had the only parole law. Seven of the States had enacted in their general laws the indeterminate sentence (limited), and there are now in existence and projected ten reformatory prisons in ten several States. All the laws and prisons are more or less patterned after the laws and reformatory in New York, which were first enacted and established.

Public Opinion.

The movement of public opinion about crime, criminals, and public punishments, a change more apparent in our conscious views and feelings than in laws and prison systems, is gratifying and of good promise. It is a movement in criminology from idealism and dogmatism toward realism and utilitarianism. Originally, statutory penalties for crimes were fixed and arbitrary, with no maximum and minimum of margin for discretionary action of the courts. Such statutory determinate penalties, therefore, anticipate the overt act of crime, and must be more graduated to some estimate of wickedness inherent in the violated law than to any wickedness of the agent of the crime. It is a vain attempt at human measuring of human pain to the abstract immorality, to satisfy offended Deity, for the moral education of mankind, to equalize moral force throughout the universe, or, to administer

justice for the sake of justice. The real basis of such legislation seems to be the doctrine that the State itself is moral entity, the State of Right; that crime impairs the Right, and, therefore, it is wrong. That anticipated wrong or overt act of immorality deserves a punishment is self-evident,— the postulate of reasoning. Such is the position, more or less, of present laws and courts; and search goes on to find and measure out a consequence for crime which will assist, maintain, defend, give vindication to the Right, which is the State.

The principle of discretionary power conferred on courts by modern legislation by which, within due limits, the court determines what shall be the duration of imprisonments, and the "Good Time" laws enabling prisoners to earn abatement of imprisonment from the term as fixed by courts, is a concession to the progressive view that criminal penalties should be adjusted to the criminal, and not the crime. There remains, however, and must continue to remain, an element of antiquated dogmatism in present laws and penalties, so long as they define the period of imprisonment for crimes. The concession is a feeble one, a single step, and short at that, as from the principle of vindication to that of retribution.

As I observe the practice of the courts, the aim is not so much as formerly it was administering justice on the basis of abstraction; but to interpret and administer the law is more the function now. No longer magistrates assume to know, as only One above can know, the moral guilt of crimes and real hurt or benefit of penalties. If, with prescience divine, it could be known in any case what is the exact equality, no agency of man could possibly administer it devoid of any element of human feeling. Pain visited for vengeance but mars true justice; and mercy softens justice, dulls its edge, and so diverts it. A grain thrown in of either human quality must tip the scales, destroy the balance aimed at. To aim at justice is to cleave the air, and brings on culprits, as one has said, "not justice, but injustice, and the injustice itself most unequally distributed." Who here, this hour, would dare devise and execute upon our fellow-man a painful consequence of crime, for just defence of abstract right as we conceive it?

The later, better thought of crime is of injury or of danger to the social order which now prevails,— this regardless of a private judgment of the right or wrong of social order. It is the anti-

social feature that constitutes the crime and also whatever there is of immorality. Anti-social conduct, motived high or motiveless, mere instinctive mal-adjustment, quite justifies defence against it. The realistic school would change the name of such behavior from "crime" to that of "offence," and change the phrase "punishment of crime" to "defence of order." No more prescribe to crime a penalty, but treat the criminal instead, and have and hold one end in view,— that end alone,— *utility*.

Criminals.

A. Physical.

Criminals are more youthful than is commonly known. More than seventy per cent. of felonious prisoners in New York are between the limits of age, sixteen to thirty years. Viewed as a class, they are inferior to their former social equals, honest and at large. The average convict criminal seems devitalized and degenerate. He is under size, less than normal as to strength, has asymmetries and stigmata in excess. Congenital defect is also shown in what appears to be a blending of sex. The men are feminized, the women masculine. Dolichocephalic cranium, low and narrow forehead, large and prominent nose deflecting to the right or left, low receding chin, coarse, lobe-adhering, outstanding ears, eyes chestnut-shaded or pigmented with greenish maroon, short legs, long arms, etc. The *ensemble* of large groups of prisoners, wherever seen, is much the same. Colonel Boies confirms this. In a Porto Rico prison, where he visited recently, and in other foreign prisons, the appearance of the prisoners was strikingly like those he saw in Pennsylvania and New York prisons. Their variation from the normal type is also shown by measurements compared. Five hundred prisoners at one time measured and compared with Amherst College students, the same or more of number, and of age the same, shows the prisoner from ten to eighteen pounds below Amherst students in average weight. He is short of height three and three-tenths inches; in lung capacity lacks fifty-six cubic inches; has less strength of chest by twenty pounds; of back, thirty-two pounds; of arms, two dips. The prisoner quite equals the college man in strength of legs, (which may be nature's bounty to help him run away). The measurements of English prisoners at Pentonville are just about the same in physical inferiority.

Anthropology has not yet produced a chart complete that shows a recognizable criminal type, but researches of Lombroso and his school have done great service, since attention is now turned to the house we live in — the human organism — for its influence, which in great degree determines what sort of life we lead, perhaps must lead, when tossed and tested in our social contact.

B. Mind.

The mind and mental habit of the average criminal is also worth our observation. Tarde classifies all criminals in four divisions,— Insane, Innate, Habitual, and Occasional. Sometimes the Occasional is called the Accidental criminal class. Exclude the first and last, — the Insane and Occasional,— confine our thought to those innately criminal or habitually so, what, *then*, is brought to view?

My own inquiry and estimate as to the mentality of 9,344 prisoners (their natural capability) gives 80.5 per cent. of them as ordinary, about as is usual with their class at large,— $13\frac{8}{10}$ below and $5\frac{7}{10}$ above; but, for culture, mental training, they are wofully deficient. $47\frac{3}{10}$ per cent. are practically without any, and $34\frac{2}{10}$ per cent. have so little culture that they may properly be considered illiterate, a total of $81\frac{5}{10}$ per cent. undisciplined of mind. $16\frac{1}{2}$ per cent. only give evidence of mental training, and but 2 per cent. are well educated. Out of the many thousands of prisoners I have examined, but one had received a full college education. The mental habit of criminals, as observed on their entrance into prison, is not reflective nor reasoning. They forecast not the consequences of an act of crime, but impelled by instincts, mostly of the baser sort, rush on without reflection in opposition to conclusions of good reasoning. There is a sense in which it may be said, in truth, they know not what they do; and is it not always true, when men go wrong in any way, that their conduct is opposed to reason? "Folly is a joy to him that is destitute of wisdom, but a man of understanding walketh uprightly." Good sense alone should hold men back from crime. Thousands of inquiries I have made of prisoners to give some reason for their behavior for which they are brought to prison, and never but in a single instance received reply save shrug of shoulder, lifted palms, or its equivalent. Once a man from Massachusetts, while thus interrogated, asked leave himself in turn to question, and on per-

mission being given asked, "Did ever you yourself do anything which turned out to be unwise and so, unfortunate?" On plea of guilty being entered, he asked again, "Can you give *me* good reason for the foolish conduct you now acknowledge?" To which one answer only could be given, the same in purport he should have made to me when I inquired of him: "No, I cannot, nor can any man, give *good* reason for his weakness or his wrong, except the weakness and the wrong that is within him."

Impulsive action signifies a lack of self-control. The regulation of one's self involves a regulator composed of reflective reason, with some deliberation,— two qualities not often found among the common run of prisoners. There is a certain cunning they have,— sharpened instincts, the product of experience or disease,— by means of which a shrewd plan of crime or of escape is sometimes planned; but, if shrewd, it is not wise, for the whole business of the crime and all is egregious blunder.

The helplessness as well as waywardness of those without the power of self-control was well brought out by one who was a most remarkable and interesting youthful criminal. In his moment of confiding mood one day, he said: "I know I am sometimes very bad and also very good at other times. Now when I am good, then I am heartily ashamed that ever I was bad." To which he added with some show of humor, but quite seriously withal: "It is also true, and so it should be said that, when I am bad again, then I am equally ashamed that I was ever good or tried to be so." The good and bad *he* had in mind referred exclusively to conduct within the prison, — had no reference to a moral state of mind or heart, of which he had not, could not have, a conception. His periodicity of impulsiveness also illustrated what is commonly observed of prisoners, as clearly shown by careful conduct records kept for long. The periodicity of itself suggests defectiveness to be a criminal characteristic, either epileptiform or some other mental aberration.

C. Industrial.

The mind and hand of criminals, considered as a class, have not been trained for useful work. There is with them a lack of skill as well as lack of application. While some on their admission to the prison are certified as clerks and servants, and more of them as common laborers, none or scarcely any were regularly employed

efficient workers. The work they do when put to trades is botch-work, and little interest have they in it or regard for learning trades or to increase their own capacity to earn. One brawny fellow, a farmer-man, when pressed to learn carpentry, a trade at which, when learned, he could, as he was told, earn fourfold his former wages and thus support in comfort his widowed, feeble mother, brusquely replied: "I do not want a trade; will not work at one if forced to learn it. The smaller farmer wages is all I want; and, as for mother, why, the old woman must do as she has always done, look out for number one."

The worthless class for industry, as discovered on admission, is, say, 85 per cent. of all; and more than that proportion of the groups we have in mind (as classified by Tarde) is Improvident, "Dead Broke," and, when in want of anything or coveting an indulgence, they get it without regard to rights of others. The total deposits of 1,500 prisoners, when received in prison, is, in one instance I know of, not more than $300. Good sense, with average self-control and skill of work, will almost always, as should be, lead men to seek the means for satisfactions by rightly earning; and money rightly earned will be more prudently expended and more surely saved. The criminal does not adopt this course — perhaps he cannot — until he is reformed in these respects.

D. Moral.

With all the prisoners I have known, there rarely could be found and traced, connected with their crimes, the predicated moral conflict of good and evil impulse, which in theory we attribute to the agent of the crime of any wrong behavior. Nor have I seen a prisoner who was suffering remorseful pangs of conscience or deeply sorrowing from a sense of social degradation. If good moral conduct is behavior which is well adjusted to the standard of the day and generation, to that something or somewhat of moral atmosphere or flavor which exists, but is not found done in formulated precept, attracts the good, repels the bad, then some satisfying or unsatisfying estimate may be made of the moral state of criminals as they are seen when apprehended and afterward imprisoned. It is said of all mankind that he who is habitually actuated by the customary sense of pity and of probity, without too conscious doubtful conflict of opposing tendencies, should be classed as one of average moral character. Others, if possessed

of conscious sense and impulse the same in kind, but who are often overborne with evil, must be classed immoral. While they, (and many such there are among the criminals), who have no vestige of the virtues named, best constitute the class immoral. These are anti-social. They menace the public peace, and must be dealt with just the same whether their moral imbecility is a product of inheritance or of circumstances over which they had or had not control.

Now within the meaning and the use of terms just explained I have to say, of about ten thousand criminals, whose examination made and recorded brings them into view, that $28\frac{8}{10}$ per cent. were non-moral,— without discovered moral sense; $43\frac{1}{10}$ per cent. immoral,— that is to say, below the average which is the line of safe inhabitancy; $22\frac{6}{10}$ per cent. were normal, or as usual; and $5\frac{5}{10}$ per cent. were over-sensitive, or abnormal. I here recall to memory a former prisoner who died last year in New York City where, in municipal affairs, he had a "pull" and operated largely. He had a summer seaside place near New York, where with sailing craft and horses he entertained his numerous friends with whom on a special broker's ferry-boat he daily travelled to and fro to business. He died of apoplexy, which fact suggests the way in which he lived. The man, when first I knew him, was representative of the non-moral class, was pitiless, and of course was deficient in his probity. While imprisoned, he wrote his sister, a girl of fourteen years who lived out at housework, earning for her weekly wages two dollars only, which almost all was faithfully contributed to the support of parents old and sick and poor. The letter was an arrogant demand that the sister purchase from her earnings and send to him a list of toilet articles, neckties, handkerchiefs, and perfumery (articles then allowed to prisoners but since prohibited). The letter written in reply read thus: "O Charlie! how could you make such a request of me. You know I earn only two dollars and give it all to mother, for they are suffering at home. My shoes are nearly gone, and I cannot save the money to buy another pair. Dear Charlie, you are better off than we are for food and clothes and things you need. How could you ask it!" He read the letter without tenderness or pity, just threw it down, and indignantly exclaimed: "Ugh! She could send the things as well as not. She will buy a gewgaw ribbon to decorate herself; and that is useless, everybody knows."

Prisoners do not readily respond to moral motives such as are often presented in the public appeal of speakers or used in private conversation. The argument "Do good for the sake of the good" has no meaning. "For moral profit" does not arrest attention. Appeal to reasonableness, the satisfaction of consistency, for peace and happiness, the comfort had when one is conscious of respect from others,— such considerations fail to reach the average prisoner; and it is also true that appeals to conscience do not much avail.

It is not observed of prisoners that the fear of an offended Deity deters them from hurtful self-indulgence with its injury to others. Their religious beliefs and observance of religious duties seem disconnected with their moral conduct. Two obvious characteristics, religiousness and immorality, run out in lines quite parallel and do not converge for mutual influence. These contradictory moral elements of character exist in many criminals who are unconscious of the contradiction. It is recorded that some noted criminals have, by way of preparation for their crime, besought the help of God or Virgin Mary for the perpetration of it; and, when successful in the crime, they have reverently and thankfully recognized the aid. Religious services, and even the special efforts to arouse religious feeling among the prisoners, while sometimes apparently effectual, have not, in any good degree, and permanently, improved the prison records of the discipline. The reason of it is believed to be a lack of necessary preparation in imagination and æsthetic sense to make effective the regenerating force of love and mercy, as portrayed before the mind. The choicest pearls of truth and what is holy may be cast away and wasted.

I do not mean to say nor to imply that moral and religious means are useless for reforming prisoners; that appeals to higher, better living need not be made. I do believe that religious feeling and moral sense may be unconsciously imbibed through repetition of impressions made by preaching, and yet more by personal influence. Such efforts for the prisoners are as bread upon the waters, cast for future gathering. It *must* be true that honest faith, with eyes that see and hearts that feel, will in the future more than now affect the common life of men, more influence one another, make duty clear and dignify the actual doing of what such faith and sight and heart should prompt. But I must affirm

that, according to the present prison practice for reclaiming criminals, too much reliance may be placed on these alone, to the neglect of other essential means and efforts, such as promise present benefits of preparation not only for the higher inner life, but promote the object of the State's imprisoning, which is the rescue of the criminals from their predatory character and life, to become and be on their release from prison law-abiding, self-supporting, safe inhabitants.

Much attention abroad is devoted to inquiry as to the source or cause of criminals and their crimes; whether the criminal is a natural product or product of society; whether the criminal lives out his nature; is the victim of unfavorable social conditions; or is able to make his environment and absolutely determine his behavior; whether he is a free agent and on that basis morally responsible for his acts.

The question of the moral accountability of criminals is an interminable controversy, that never can reach a unanimous conclusion, and, to my view, is an unimportant consideration. In truth, it has no proper place of influence to determine criminal laws and systems. It is not important to ascertain on the trial and sentencing of offenders whether they are or are not morally responsible as free agents, are insane or imbecile, innately criminal or criminals of occasion. Such investigations and discussions about responsibility belong to faulty criminal laws and management of prisons, which aim at phantom justice, and seek to justify the present illogical system upon which laws and punishments are shaped. With singleness of purpose, for utility alone,— the protection of the public,— the courts need only to determine, if it is required for due protection that the prisoner shall be restrained of liberty and be treated for his recovery and safety. Another separate tribunal of the government, executive or judicial, or composed of both, may better determine and direct the nature and details of treatment and duration of detention and restraint. It is, of course, important to discover what produces criminals, partly to guide the treatment, but mainly to suggest the means to best prevent or at least diminish crimes.

The century just closed is characterized by remarkable solicitude for the dependent and dangerous classes. Vast expenditures have been made, much useful organizing for charity and reformatories has been accomplished; yet the public burden remains and

grows. Latterly, during the last half of the century, some attention has been given to the prevention of evils. It is a forced attention, induced by the increasing magnitude of the load, not as yet very effective, to be sure, but full of promise for the century upon which we have now entered. A glory of the nineteenth century is its reliefs and reclamations. The glory of the twentieth will be prevention. To stamp out or stanch the supply of dependency and crimes is naturally a twofold process, directed to conditions and to individuals, to obscure and obvious sources. Of the latter, as relates to one source of crimes, the criminal himself, the matter of his treatment during his imprisonment, the manner of his discharge and subsequent supervision, is, unquestionably, a factor of no mean importance. The hundred thousand prisoners (a steady population of the prisons of our country), together with the more than seven hundred thousand of annual convictions by the courts, constitute a corrupted and corrupting mass, each individual of which forms a centre of evil or of good, and it makes a great difference which way his influence goes. Every imprisonment and each arrest intensifies or modifies the individual influence which goes on forever after with impetus imparted while the culprits are within the State's control, increasing geometrically. How important, then, for both protection and prevention, that the annual crop of convicted criminals, eight hundred thousand of them, should be reclaimed!

The festering sources of crime, the habitat of criminals, and the crimes are, we know, very largely in the cities. As a general proposition, the ratio of crimes is according to density of population,— the larger the urban population, the more crimes. Twenty thousand dollars of the $90,000,000 of the city and county taxation of New York is, according to Mr. Smith, paid out as cost of detecting, convicting, and punishing of crime. If this proportion of expenditure is larger in New York than elsewhere, it yet remains true that the crime question is to be treated by and through the government of municipalities, where dwell at present from one-fourth to one-third of the population, where centres three-fifths of the country's wealth, and where 90 per cent. of criminal arrests are made.

So, too, in the cities is the home of charities, of preventive agencies and efforts against the growth of dependency and the dangerous class. The magnitude of modern charity organization and

expenditure is indeed a sublime spectacle, and no doubt exerts an influence preventive of crimes by improving the condition of individuals, families, and the classes of inhabitants whose abjectness favors criminal acts. Yet, notwithstanding all that is done and attempted, there remains unrelieved an appalling aggregate of privations and relievable suffering, and thousands annually drop into the vicious and criminal classes.

It may be assumed that the conditions as to dependency and crime, in all the great cities, are substantially the same. The evils continue and grow apace, constituting a burden and peril whose weight and danger may well arouse most earnest attention and the very best endeavor. Viewed from the hillside perch I have so long occupied, closely scrutinizing the human specimens coming constantly under observation, it seems the cities are like desert places strewn with detectives, for whose recovery to uprightness of character, regular behavior, and proper social relations some central healing principle needs to be discovered and applied that will serve alike to relieve dependency and crime,— two evils which exist conjointly and affect each other reciprocally, as cause and effect. It is believed quite practicable to bring to bear on the misdemeanors, crimes, and criminals of our cities, by means of laws and sanctions of the laws, with better administration of them, a more effective repression than appears at present operating to diminish both dependency and crimes.

The social malarial morass — the culture field of criminals — is the class of misdemeanants. They infest the community and the courts as a plague contagious. Latterly we have given good attention to the treatment of felonious criminals, but have much neglected misdemeanants. In New York State this class of offenders make up more than 90 per cent. of all convictions whose arrest and superficial temporizing treatment by station house, or jail, or short-term imprisonment, cures not, but confirms the criminal tendency. It whets the appetite for vice and dissipations, dulls the sentiment of self-respect, and incapacitates for earning. It is estimated that every year 175,000 new acquaintances of the police come under arrest for misdemeanors ; and the police say such new acquaintances quite generally become familiar acquaintances, " rounders," in and out at station-house, jail, and short-term prisons. Shiftless, inadequate measures with the misdemeanants, together with the inadvertent damage done by turning out from institutions lads and others insti-

tutionized, untrained in industry and habits of self-support, is the prolific source of crime of both low and high degree. This prison population shows 60 per cent. of the alleged first offender felons in the Elmira Reformatory, who themselves admit such previous experience. Ruggles Brice gives facts concerning 1,476 prisoners in the Pentonville prison, of whom 56 per cent. had been *five* times or more convicted; and, of the then resident population of the prison, 80 per cent. were recidivists. There is quite a number of metropolitan misdemeanor offenders who have been committed each more than a hundred times, and Dr. Barrows knows one (he is by no means the only one) whose whole life has been spent between the court and the prison, and whose convictions number now one thousand. These citations are but examples of a multitude that might be made: they represent the general fact and practice. If the consequences were not so serious, derisive laughter would be excited at the prospect of a government possessed of power and dignity thus dealing with delinquents and offenders. Gradually more and more, by European governments, such folly is realized, and legislation is made against it. The habitual criminal acts, the cumulative sentence laws, and special acts in England as in Massachusetts,— all point toward more thorough treatment of the misdemeanants to protect the public. If it should be said by any that the misdemeanants do not always or generally develop into felons, that they live repeating misdemeanor crimes whose penalty is a fine or short imprisonments, it will at the same time be conceded that felonious prisoners have almost always served previously as misdemeanants or have been guilty of delinquencies such as those commit. If it is adduced that not so much strictness as sureness disseminates the sense that holds back from crimes, — a statement that contains much truth,— then it must be noted that with the laws and present practice there is much fault in respect to certainty.

Speranza, in the *Law Register* of November, shows how the government is handicapped in its hunt for crimes and the increase of public danger by what he names the coefficients of impunity, the uncertainty of punishment for crime. The list of coefficients goes on as follows: avoidance of detection and of arrest or discharge by committing magistrate or grand jury; forfeiting bail, pigeonholing the indictment, disappearance of witness, prosecution withdrawn by prosecutor and the judge; application

of the principle of reasonable doubt; technicalities, such as defective indictment, statutory limitations, etc., or discharge by the jury on the trial. If the prisoner is convicted, he may get discharged on appeal or by pardon. These are all so-called legal coefficients. Mr. Speranza says that in three years in New York there were thirty-five murders and fifteen hundred burglaries whose perpetrators were not discovered; and then he cites the social aids to impunity,— items of public immorality, as follows: the tolerance of crimes from pity, those of passion, of honor, small thefts and extortions,— a tolerance shown by failure to make complaint; violations of law by clubs and societies not reported to the police to avoid trouble or scandal; dishonest business methods tantamount to gambling, larceny, or robbery. Dr. Bittinger, in his pamphlet published many years ago, estimated that not more than 12 per cent. of criminals convicted fulfill — serve out — the statutory penalty for their crimes. Now is it not sufficiently apparent, in view of opportunities afforded to avoid altogether the legal consequence of crime and the slack management of penalties for prisoners, that there is not an adequate and comprehensive grasp of crime and criminals? We also need more information to be supplied by good statistics, and there is a distributed, if not divided or conflicting, general control. These deficiencies, besides the difficulty of time sentences and defective prison treatment, are faults that hinder good results.

Need of Reform.

If crime is offence, a hurtful variation from established order; if the public duty is all included in defence; if the criminal is defective in his body, mind, and moral sense; and, if for good defence, the prisoner must be reformed, then it is pertinent to consider what transformation of prisoners must, for sound protection, be required and may with reason be expected. How shall the reformation — transformation — be accomplished? And what test of reformation shall prove it to be a true and lasting transformation?

The mass of prisoners we are now considering require for safety augmented self-control; clear-sightedness of the real welfare, with enough of common wisdom and of will to choose it; and good capabilities and taste for industry, all disclosed to our observation by actual practice of them until the better habitude is firmly formed. The test of genuineness and of permanency must be had

in the actual showing when imprisoned, and afterward while the prisoner remains under authorized control. The change involves improvement of the human organism, the mind, and change from bad to good propensities. This habit-reformation gives best protection, and is what the State desires and may properly insist upon. It is not a considerable product of persuasion, but rather of wise and careful training. It is more than the simple promise to be good made, perhaps, in response to good persuasion. Such promises do not generally imply deep underlying purpose of the heart, or, if the heart suggests the promise, the feeling is a feeble one, does not manifest itself in action, or it does not long endure. I know we trench on holy ground when we speak of heart emotions. The weakest fitful impulse toward the good must not be trampled on or lightly treated. The smoking flax, the bruised reed, shall not be quenched or broken; but, from the view-point of the State, much more than promises evoked must be required for ground of good security.

Faulty Prison Systems.

Notwithstanding all the improvements that have been made, there is not, to my knowledge, now existent, in any country, state, or model institution, a prison system or a prison that has reached the highest attainable effectiveness for repressing crime by its plan and treatment of imprisoned criminals. It has been affirmed that, as a whole, the penitentiary system of punishment for crimes may justly be considered as a failure; and some publicists now confidently declare that a substitute for imprisonment in many cases might serve the protective purpose quite as well. The English system, heretofore referred to, with its centralized control, better classification, and recent improvements, is, I believe, now best organized and perhaps best administered of any State system; but, for adult reformatory prisoners, separate institutions, it is possible the United States may have the most advanced of them.

Defects of prison system, as we observe them, are: (*a*) they do not grasp most comprehensively the criminal class and criminals of the State, but legislate and treat specifically without much regard for the general effect upon the volume of the crimes.

(*b*) There are no sufficient criminal statistics kept, by means of which effects are known and remedies suggested. Not anywhere

throughout the world are scientific facts available by which it is possible to know the movement of crime or to compare the growth of crime as between nations. The older European countries are in advance of the United States in this matter of statistics, and do better appreciate their importance. In America we are sadly deficient in this regard.

(*c*) Here we have no good centralized control of the prisons of a State, a measure necessary to glean reliable facts for diagnosis of the social malady made manifest in crimes committed and for record of the symptoms and effect of remedies. Lack of centralization and statistics prevents close classification of the prisoners, and classification is a first requisite of any useful reformatory system.

(*d*) There lingers yet in the spirit of the criminal laws and practice, in the administration of the prisons, and in the general public mind, the blemish of retributory sentiment which gives too much importance to award of pain or pleasure as the end and aim. This sentimentality in prison management is apt to alternate between extremes of harshness and what Josiah Flint denominated the "lily of the valley" reformatory method. It interferes with good discipline and the necessary training.

(*e*) In our own country (perhaps the State of Massachusetts should be excepted) partisan politics exert a baneful influence. It introduces instability and disquietude of official tenure. It diverts attention and the best of effort from the central purpose of the prisons to other and often discordant interests.

(*f*) An exaggerated estimate of the importance of productive prison labor is sometimes entertained; that the labor of the prisoners shall contribute to support; work to earn is allowed to interfere with work to learn.

(*g*) Too much arrogance of caste remains and consequent failure to recognize the fundamental truth that reformation, such as the State requires, must of necessity include somewhat of social elevation. The crime and other circumstances will always build up social barriers, and most properly so. It is not so much the necessary ostracism as the arrogance that hurts.

These seven faults or sins are all observable defects of prison systems throughout all ages and also at the present time.

The Prison of the Future.

A horoscope of prison science reveals in all the administration of this important branch of public service great increase of certitude, of thoroughness, and of restraints, beyond what now exist. The constabulary, whether under State or localized control, makes quick arrests of criminals and firmly holds them for disposal by the courts. The criminals arrested include all open violators of the laws, and this without partiality. The function of the courts at criminal trials is devoted to determine guilt or innocence, and whether due regard for safety requires that the prisoner be restrained. Every criminal who comes thus into public custody may count his career of crime as actually closed. He finds across his pathway erected by the government a sign that reads in the imagery of the late Charles Dudley Warner, "No thoroughfare!" Ever after such supervision over him is had by police or prison authority that he cannot any longer pursue a course of crime. What he must suffer of restraint and supervision depends upon himself, his disposition, and his capability as it is or at any time becomes; upon his fitness for release adjudged by experts, other than the courts, who have the prisoner in their charge; and their judgment is approved and made effective by the judicial or the executive branch of government.

Expressed in the metaphor of the late Bishop Brooks, it is the colossal hand of organized society holding in its grasp the prisoner, fast or loose, restraining more or less according to his agreement or disagreement with the social order. What plan could be more reasonable? Yet how far away from this ideal is the practice of the day!

The State establishment for such a system embraces constabulary, courts, officials, with approval of the governor, all harmoniously engaged to realize the common end in view. There are facilities of plant,— the institutions variously graduated and furnished,— so that under centralized direction the true minimum of restraint both as to time and strength may be easily applied; and there is readily at hand every known useful human agency for building up the man.

The human agents constituting the staff of institutions have no thought of useless punishments or vain indulgences; nor do the laws contain, in the letter or the spirit of them, this vitiating ele-

ment of a settlement for crimes. One purpose animates, and that alone. It is Utility,—the protection of the public by actual reformations or continuation of restraints, a purpose steadily pursued without interference with personal preferences, political or religious partisan influence, or the love of gain. The method adopted is not emotional, but is, in the broadest, fullest sense, most emphatically the method *Educational.*

The Indeterminate Sentence universally prevails, and is applied to all imprisoned criminals of every grade. I mean the real indeterminate sentence, without the maximum or minimum limitations of the usual so-called indeterminate sentence laws, and there is the principle of parole or conditional release and other useful items of the present laws. This sentence system is the indispensable underlying principle, the soul and inspiration of it all. Without it there is no good protection possible, and with it the strongest human motive (love of liberty) is brought to bear upon the prisoners for their co-operation and voluntary use of means provided for their reformation.

The faults removed, we see the best of present means retained and others added, scientifically applied with better knowledge and results. The human organism of prisoners is regarded as affecting character, as the base on which it must be built. The organism is studied, vitalized, and balanced up. For this there is provided a gymnasium, supplied with every useful apparatus, including facilities for baths, massage, etc. Manual training schools, used to assist the education of the hand and mind conjoined, the manual processes, are directed to overcome defects specifically discerned. Military training is also introduced for all whose open associated education of the body and the mind may be thus promoted.

There is the school of letters, ranging from the kindergarten grade to the academic, with supplementary college lectures.

Trade-schools so comprehensive and complete that each prisoner pupil shall learn and practise successfully, while in actual custody and on parole, the trade or occupation prescribed as best for him, which he should follow when he gets his full discharge.

Direct appeal to what we term the æsthetic, moral, and the spiritual sense, with a view to good development, is well provided for by libraries of carefully selected books, lectures, oratory for noble inspiration, together with religious services and ministrations.

The entire life of prisoners is directed, not left to the prisoner himself. All his waking hours and activities, also bodily and mental habits, to the utmost extent, his emotional exercises, are regulated and controlled. So thorough and vigorous is this that unconscious cerebration, waking or sleeping, moves under the momentum of the newer mental habits. There is no time or opportunity for the prisoner to revert to vicious characteristics. These various means are made effective by the sentence system, supplemented with a marking system which regulates the progress to better privileges and toward complete release, governed always by the actual performance of each prisoner,— a marking system which includes, for test and training, wage-earning made obligatory with some liberty of expenditure, and, for such as need it, made more effective by compulsory discipline.

The future prison treatment will excel that which we know or hear of now in respect, at least, to physical renovation of the prisoners, training in the principle and practice of mutuality, and in test of economic civic adaptation. Hygiene will be closely interwoven with all the treatment. Not only gymnastic exercises, scientifically prescribed, but the dietary for these defectives will be very much improved, and will be very different. It will be enriched so that the circulating system will carry nutrients all-sufficient and scientifically adjusted to the needs and purpose. We shall no more hear the puerile contention that prisoners must be discomfited by poor and insufficient food supply for a supposed deterrent influence ; nor will there continue to be used, as a prison disciplinary measure, solitary cell confinement with starvation.

No class of criminal inhabitants in America is so abject of condition and so debased of mind that for them the comforts of imprisonment will offer a strong inducement to be guilty of crime and go to prison under the indeterminate sentence system where a rigorous régime prevails. And, if by chance any such individuals exist, the sooner they matriculate the better for themselves and all concerned.

The physicians of the prison staff must occupy a more important place than they do now. Enlarge the sphere, extend the practice from that of physiologer to psycho-physicist. The prison physicians must minister to the minds diseased and perverse moral states of prisoners.

The prison curriculum will include habituation of prisoners to

practice of the civic virtue, good mutuality. That prisoners are capable of such training is indicated by vindictive retaliation among themselves. The retaliatory impulse is but perverted reciprocity, the interchange of animosity instead of fraternity. It reveals the reciprocal characteristic, which, when acting within the limits of lawfulness and communal standard of behavior, becomes and is an important element of good citizenship. The management of prisons where such education is in vogue is necessarily intricate. It is the problem of socialization of an anti-social mass in segregation. The mutuality we have in mind is not at all prodigal generosity or fervent personal attachments such as spring up among prisoners under free association. Neither is it reciprocity of retribution seen in plays and told in fiction. It is the showing of mutual respect for individual rights; commercialism where both parties get a satisfying benefit; observance of the law and enforcement of it for the mutual good; the legitimate, intelligent pursuit of that self-interest which is welfare.

At some stage of the prisoner's training he will have participation in governing that he may thus learn self-rule and appreciate that the law is a "legitimate expression of a public life and prospect of which he himself partakes." The problem is (stating it again) to maintain efficient government without apparently governing; liberty of the subject under sovereignty of rule; government withdrawn out of sight, but held in reserve, while the subjects govern themselves. It will be a community of prisoners with its special laws and rules and its own public sentiment which must not be allowed to fall to the danger line, that of custodial insecurity and corruption.

To hold the prison community up to this standard of behavior by its own might requires, of course, good administrative ability of the inactive but powerful governing authority and the strongest of motives. The latter will, it is believed, be supplied by the indeterminate sentence system, together with proper institutional rewards and liabilities. The outward appearance of our self-governed prison community would be not very different from the orderly energetic activity of the best present reformatory prisons, but in reality there would be a radical difference in the life and spirit of it,— a difference as between the seeming and the real, as between a community of subjects and another of sovereigns where inherent evil is overcome of inbred good.

No thorough-going experiment introducing the principle of mutuality into prison management has, to my knowledge, ever been made, but I have skirmished with it to the extent of admitting to some participation in governing the fifteen hundred prisoners in my charge, one hundred and ninety of them at one time, with success enough to justify its presentation as a useful and practical measure. An illustrative individual instance of such participation, if it is somewhat exceptional, may not be without suggestive interest. It is that of a prisoner received from New York for forgery under a maximum liability of five years. Very soon after his admission he was assigned as a task-keeper and quasi-instructor over other prisoners, and remained in such service satisfactorily performed for a year when he was paroled and employed in the institution on a salary, the same in amount as that paid citizens for similar service. He remained with me twelve years, advancing in responsibility and salary until he was in charge of the considerable manufacturing interests at a salary of $2,000, a most efficient and faithful member of my staff. In the later period of his service, during my absence of two weeks, he was, by direction of the board of managers, given general charge, with authority to receive remittances of money and pay out by cheque in my name. When he was, at my suggestion, thus designated to take charge, one of the managers, a conservative banker, remarked that he considered him the most efficient and trustworthy man we ever had in the service there. He was a fine musician, and for many years previous to his resignation and departure from Elmira was received by the clubs and solid society of the city. When his name was presented for club membership, a committeeman inquired whether it was wise to admit him. In reply the other committeemen declared him to be the peer of the best of them, and he was unanimously voted in. The whole history of the man, from his embarkation in a foreign country to his present good business and social position in New York City, affords abundant material for a fascinating story.

After all, the chief concern must be to fit the prisoners for self-subsistence, properly earning, spending, saving; to impart the necessary skill of hand and eye in a particular trade or occupation, the same that shall be followed on and after their release; to give power of application and of endurance: create or cultivate a taste for the chosen business, with such ennoblement as goes with gain

and ownership legitimately acquired. This seems most reasonable when it is remembered that crime springs from ill-conditioned property relations. The bulk of crimes are against the property rather than the person or the peace. Of the fifteen hundred prisoners under my charge, 94 per cent. were property offenders, and the crimes of others could be traced to property. All admit that adjustment of the prisoner's economic relations promotes rehabilitation, and I affirm such adjustment as the indispensable requisite to safe discharge and afterward to safe inhabitancy.

The value of such test and training is additionally impressed by Count Sollohut's experiment in his House of Correction and Industry at Moscow, Russia, many years ago, as related by Dr. Wines in his book, "The State of Prisons" (1880): "Nine-tenths of his prisoners mastered a trade so completely that on their discharge they were capable of taking the position of foremen in a workshop; and there were scarcely any relapses. Criminals who had been subjected to the discipline, and had been discharged, were almost to a man earning an honest living at the trades which they had learned while in prison. Of 2,128 released from the establishment within six years, less than one-half of one per cent. had been returned to it."

The advancing ideal prison system for a State this twentieth century must produce will comprehend the total of the criminal class within the governmental grasp. Preventive measures will be greatly multiplied and made much more effective. Probatory practice will be perfected, considerably extended, and will operate to minimize the prison population. Imprisonment will be with the indeterminate sentence system, not to punish or please the prisoners, but to protect from crime by restraints, coupled with educative corrective training.

When once a prisoner is within the grasp of government and imprisoned his only hope of liberation is by virtue of his reformation. The grasp will relax or tighten as best serves the purpose of imprisonment, but never will completely slacken until no longer needed for protection.

Whoever lives to see this prophecy fulfilled may see less crime and have occasion to rejoice.

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